

BEFORE THE
CALIFORNIA WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
TELEPHONE (714) 953-4447

APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN
MR. JOHN C. MOSCONE
MR. SAM ARAKALIAN
MR. PHILLIP BEAUTROW
MRS. GINGER BREMBERG
MR. E. L. VARNER
MR. LES BROWN
MR. JAMES W. CALLOWAY

STAFF PRESENT

MR. GEORGE, EOWAN, CHIEF EXECUTIVE OFFICER
MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE OFFICER
MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER
MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION
AND PUBLIC AFFAIRS
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

MR. BILL ORR
MR. GEORGE LARSON
MS. MARY COLE
MR. CY ARMSTRONG
MS. JEANIE BLAKESLEE
MR. BERNIE VLACH

BETH C. DRAIN, CSR 7152

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DECEMBER 15, 1988

CALIFORNIA WASTE MANAGEMENT BOARD

CHAIRMAN GALLAGHER: BRING THE MEETING OF
CALIFORNIA WASTE MANAGEMENT BOARD TO ORDER, PLEASE.

GOOD MORNING AND WELCOME TO THE LAST
MEETING OF THE YEAR OF THE CALIFORNIA WASTE MANAGEMENT
BOARD. WE HAVE HAD A REQUEST TO ADJUST THE AGENDA, SO
WE'RE GOING TO ASK MR. EOWAN TO EXPLAIN ANY CHANGES IN
THE AGENDA AND GET US STARTED OFF IN THE RIGHT DIRECTION.

MR. EOWAN.

MR. EOWAN: GOOD MORNING, MR. CHAIRMAN AND
MEMBERS. WE'D LIKE TO START OFF THE MEETING THIS MORNING
WITH THE REPORT FROM MR. STEPHANIE, WHICH IS ITEM NO. 12,
AND THEN I HAVE SOME OTHER REQUESTS.

ITEM NO. 4, THE INDIVIDUAL MAY BE
ENCOUNTERING SOME FOG. THAT'S WHAT THIS NOTE SAYS AS OF
YESTERDAY. I DON'T THINK THERE'S ANY FOG IN THE STATE
TODAY. MAYBE OTHER WEATHER PROBLEMS, BUT IT'S NOT FOG.

ITEM NO. 5, RON DUNCAN FROM EL DORADO
COUNTY, HAS ANOTHER HEARING UP THERE AND HAS A FAIRLY
SHORT WINDOW TO ADDRESS THE BOARD. SO WE'RE GOING TO
TRY, HOPEFULLY, TO FIT HIM IN SOMEWHERE BETWEEN 11
O'CLOCK AND EARLY AFTERNOON.

ITEM NO. 9, DR. TCHOBANOGLOUS HAS CLASSES

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1 TODAY AT DAVIS, SO WE'D LIKE TO HEAR HIM TOMORROW. AS
2 WELL AS ITEM NO. 10 TOMORROW, AND ITEM NO. 11, THE
3 PRESENTERS THAT WE INVITED FROM CANADA ARE UNABLE TO MAKE
4 IT. SO WE'LL HAVE TO RESCHEDULE THAT FOR ANOTHER
5 MEETING. SO WE WOULD ELIMINATE ITEM 11 FROM THE AGENDA.
6 THAT WOULD BE THE ONLY CHANGES, MR. CHAIRMAN.

7 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

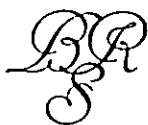
8 WITH THAT, MR. STEPHANIE, ARE YOU READY TO
9 MAKE YOUR PRESENTATION?

10 MR. STEPHANIE: YES, I AM. THANK YOU, MR.
11 CHAIRMAN GALLAGHER. THANK YOU FOR TAKING ME FIRST SO I
12 CAN GET BACK TO ANOTHER HEARING.

13 GARY STEPHANIE, CHAIRMAN OF THE ENFORCEMENT
14 ADVISORY COUNCIL TO THE WASTE MANAGEMENT BOARD. I'M
15 REPORTING TO TWO MEETINGS, ONE IN JULY AND ONE IN
16 NOVEMBER. APOLOGIZE FOR NOT COMING UP FOR THE ONE AFTER
17 JULY. BETWEEN YOUR SCHEDULE AND OUR SCHEDULE, WE JUST
18 COULDN'T SEEM TO GET TOGETHER.

19 AT THAT MEETING -- I BELIEVE YOU HAVE
20 COPIES OF THIS -- BUT WE DID DISCUSS THE CONCEPT OF THE
21 TRAINING THAT'S BEEN GOING ON AND BEING PROVIDED BY YOUR
22 STATE STAFF. AND ALL REPORTS ARE COMING BACK THAT THE
23 TRAINING HAS BEEN EXCELLENT, AND WE WOULD CONTINUE TO
24 SUPPORT THAT. WE'D HOPE YOUR BOARD WOULD CONTINUE TO
25 SUPPORT THAT TRAINING FOR THE LOCAL ENFORCEMENT AGENCIES.

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1 IN THAT SAME VEIN, THE COUNTY OF RIVERSIDE
2 HAD, IN FACT, ADOPTED OR PREPARED A LANDFILL INSPECTION
3 MANUAL, AND THAT'S ALSO BEEN TURNED OVER TO YOUR WASTE
4 MANAGEMENT BOARD STAFF FOR REVIEW WITH A POSSIBLE
5 PROVISION THAT OTHER LEA'S CAN USE A SIMILAR-TYPE MANUAL.

6 ONE OF THE THINGS WE STRUGGLED WITH IN THAT
7 MEETING WAS THE DEFINITION OF ENFORCEMENT UNDER AB 3525,
8 AND WE WOULD HOPE THAT YOUR STAFF WOULD, IN FACT, TRY TO
9 COME UP WITH SOME DEFINITIONS THAT THE LEA COULD USE AND
10 WHEN THAT NOTIFICATION PROCESS IS NECESSARY AND WHEN IT'S
11 NOT.

12 WE'RE OPERATING UNDER YOUR BOARD AND THE
13 AIR BOARD AND THE WATER BOARD ON THOSE ENFORCEMENT
14 ORDERS, AND THERE DOESN'T SEEM TO BE ANY CONSISTENCY
15 BETWEEN THE THREE. AND WE WOULD HOPE THAT THERE WILL BE
16 SOME RESOLUTION TO THAT.

17 THE AC ALSO SUPPORTS THE CONCEPT OF FORMING
18 A USED OIL RECYCLING COMMITTEE TO STUDY THE ISSUES,
19 PROBLEMS ASSOCIATED WITH THIS TYPE OF USED OIL. THE
20 COMMITTEE SHOULD ALSO DEVISE INCENTIVES FOR BUSINESSES TO
21 RECYCLE USED OIL. USED OIL, WHEN THE PRICE OF OIL WENT
22 WAY DOWN, BECAME A REAL PROBLEM, ESPECIALLY SINCE THE
23 STATE CLASSIFIES IT AS HAZARDOUS WASTE. SO WE THINK THE
24 WASTE MANAGEMENT BOARD SHOULD TAKE THE LEAD IN DEVELOPING
25 THAT COMMITTEE.

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1 IN OUR NOVEMBER MEETING, WHICH WAS A KIND
2 OF AN EXCITING MEETING IN A WAY, BUT IT WAS A REAL
3 FRUSTRATING MEETING IN ANOTHER WAY. WE SPENT MANY HOURS
4 IN THE MORNING DISCUSSING WHAT APPEARS TO BE A CONFLICT
5 BETWEEN THE LEA'S AND THE WASTE MANAGEMENT BOARD STAFF.
6 THE LEA'S ARE, IN FACT, YOUR ENFORCEMENT ARM OUT THERE IN
7 ALL CITIES AND COUNTIES. AND YET EVERY TIME -- AT LEAST
8 THE LETTERS THAT I GET, AND I'M SURE THAT SOME OF THE
9 LETTERS I'VE SEEN COME TO YOU -- IT APPEARS THAT WE SEEM
10 TO BE REPRESENTING OPERATORS 80 PERCENT OF THE TIME AND
11 REPRESENTING YOU ONLY 20 PERCENT OF TIME.

12 AS YOUR ENFORCEMENT ARM, IT SEEMS LIKE THAT
13 FIGURE SHOULD BE FLIP-FLOPPED. SO WE TRIED TO FIGURE OUT
14 WHERE THE PROBLEMS ARE SO THAT WE CAN WORK AS A TEAM
15 AND -- INSTEAD OF BEING IN OPPOSITION ALL THE TIME. AS
16 YOU'VE HEARD ME STATE ON NUMEROUS OCCASIONS, WE SUPPORT
17 YOUR BOARD; HOWEVER, BECAUSE OF THE SPLINTERING AWAY OF
18 LAWS FROM YOUR BOARD AND WE HAVE SO MANY AGENCIES. AND I
19 THINK THE SENATE COMMITTEE NOW AND ANOTHER COMMITTEE ARE
20 LOOKING AT THIS, BUT WE HAVE THE SAME PROBLEM. WE'VE GOT
21 SO MANY DIFFERENT AGENCIES REGULATING SOLID WASTE OR
22 WASTE OF ANY KIND, AND WE'D LIKE TO SEE YOUR BOARD GET
23 MORE PROACTIVE IN THE AREA OF BRINGING SOME OF THOSE
24 WASTE LAWS AND ISSUES BACK TO YOUR BOARD AND BE THE LEAD
25 AGENCY. AND MAYBE IT'S TIME TO LOOK AT SOME OF THE



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1 STATUTES AND LAWS AND MAYBE THERE NEEDS TO BE CHANGES.

2 WE LOOK AT THE WATER BOARD, FOR INSTANCE,
3 AND WE LOOK AT THE AIR BOARD. THE LOCALS ARE ISSUING A
4 LOT OF THESE PERMITS. THE ONLY TIME THE PERMITS COME UP
5 FOR A SECOND REVIEW IS WHEN THERE'S AN APPEAL. HERE ALL
6 THE PERMITS ARE BASICALLY ISSUED AT THE LOCAL LEVEL AND
7 STILL COME UP HERE. WE FEEL YOU'RE BEING BOGGED DOWN
8 WITH A LOT OF DIFFERENT TYPES OF WORK THAT DOESN'T REALLY
9 NEED TO BE DONE.

10 SO WE'RE GOING TO BE LOOKING AT THIS IN THE
11 FUTURE. ONE OF THE FIRST THINGS WE LOOKED AT WAS THE
12 SLUDGE ISSUE, WHICH THE -- DOESN'T SEEM TO BE ANYBODY
13 WANTING TO TAKE THE LEAD IN THIS. OUR RECOMMENDATION IS
14 THAT YOU CONSOLIDATE WASTE REGULATION ISSUES AND TO TAKE
15 THE LEAD IN SEWAGE SLUDGE TO SEEK LEGISLATION FOR RAISING
16 REVENUES AND RESOURCES TO CARRY OUT THE PROGRAM. LET'S
17 GET THE STATE INVOLVED IN THE BIGGER ISSUES. LET'S LET
18 THE LOCALS TAKE CARE OF THE SMALL ISSUES IS BASICALLY
19 WHAT WE'RE SAYING. LET'S GET THE WASTE MANAGEMENT BOARD
20 BACK TO LEAD IN THE TOTAL WASTE AREA.

21 WE'RE ALSO RECOMMENDING THAT THE PERMIT
22 GUIDANCE DOCUMENTS BE DEVELOPED BY -- THAT ARE BEING
23 DEVELOPED BY THE WASTE MANAGEMENT STAFF BE DISTRIBUTED AS
24 SOON AS POSSIBLE. WE THOUGHT THEY WERE VERY EXCELLENT
25 WITH A FEW MINOR CHANGES, AND STAFF IS TO BE COMMENDED ON

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1 THE WORK THEY'VE DONE ON THESE DOCUMENTS.

2 ANOTHER AREA WHERE WE TALK ABOUT BRINGING
3 YOU BACK TO LEAD, THE RECOMMENDATION WAS UNDER THE CEQA
4 PROCESS WHEN THE WATER BOARD -- AIR BOARD ISSUES A
5 PERMIT, IT KIND OF TAKES CARE OF THE CEQA PROCESS. INSTEAD
6 OF HAVING TO GO THROUGH IT TWICE. SO WE'RE RECOMMENDING
7 THAT A PROCESS SIMILAR TO THE CEQA EQUIVALENCY TO THE
8 REGIONAL WATER CONTROL BOARD WASTE DISCHARGE REQUIREMENTS
9 BE PURSUED BY YOUR BOARD.

10 I'M NOT SURE HOW TO PUT THIS DELICATELY,
11 BUT SINCE I DON'T WORK FOR YOU, SINCE I VOLUNTEERED TO DO
12 THIS, YOU CAN GET RID OF ME ANYTIME YOU WANT. ONE OF THE
13 PROBLEMS WE HAD LAST YEAR IS THAT WE DIDN'T FEEL THAT THE
14 EOC WAS GETTING SUPPORT FROM THE BOARD THAT WE FELT WE
15 DESERVED. AND AT FIRST I BLAMED STAFF; BUT THEN, AS I
16 LOOKED AT THE PROBLEM, THE PROBLEM WAS YOU.

17 I KNOW YOU HAVE A NEW CHAIRMAN AND I REALLY
18 AM GLAD TO SEE YOUR BOARD WORKING AS A TEAM LIKE IT IS,
19 AND NOW YOU SEEM TO BE HAVING MEETINGS ON SET TIME. IN
20 THE PAST, YOUR MEETINGS -- WE NEVER KNEW WHEN YOUR
21 MEETINGS WERE GOING TO BE. THEY KEPT CHANGING. THOSE OF
22 US THAT HAVE TO COME FROM DIFFERENT AREAS TO MEET ON
23 THESE COMMITTEES, IF WE DON'T KNOW A COUPLE MONTHS IN
24 ADVANCE, IT'S HARD FOR US TO SCHEDULE. I'M SURE IT IS
25 FOR YOU AND FOR THE PUBLIC THAT COMES TO THESE MEETINGS.

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1 WE'RE HOPING THAT YOU, AS A BOARD, CAN
2 MAYBE GET A CALENDAR GOING. AND I REALIZE THERE'S GOING
3 TO BE EXCEPTIONS; BUT IF YOU COULD SET UP A CALENDAR SO
4 THAT THE PUBLIC AND THE LEA'S AND YOUR OWN STAFF COULD,
5 IN FACT, SCHEDULE AROUND YOUR SCHEDULE, IT WOULD MAKE IT
6 MUCH EASIER FOR US. OTHER THAN THAT, I THINK YOU ARE
7 DOING A GREAT JOB.

8 WE ALSO RECOMMENDED THAT THE WASTE
9 MANAGEMENT BOARD REDUCE PERMIT AND REGULATORY
10 RESTRICTIONS ON HOUSEHOLD HAZARDOUS WASTE. OUR PROBLEM
11 WITH THE WASTE MANAGEMENT BOARD AND STATE HEALTH
12 DEPARTMENT ARE ALL TRYING TO WORK ON HOUSEHOLD HAZARDOUS
13 WASTE PROGRAMS AND GET RID OF THE HOUSEHOLD WASTE TOXIC
14 WASTE SO IT DOESN'T END UP IN THE LANDFILL. EACH AGENCY
15 IS JUST SO DIFFICULT TO DISPOSE OF THIS OR GET A PERMIT
16 SO WE CAN EVEN COLLECT IT, THAT IT MAKES IT VERY
17 DIFFICULT. SO WE'D LIKE TO SEE -- I'VE MADE THE SAME
18 STATEMENT TO THE STATE HEALTH DEPARTMENT -- THAT WE'D
19 LIKE THAT STREAMLINED OR TURNED BACK OVER TO THE WASTE
20 MANAGEMENT BOARD SO THAT WE CAN, IN FACT, ISSUE PERMITS
21 FOR AT LEAST COLLECTING THIS STUFF AND DISPOSING OF IT
22 PROPERLY.

23 AND THAT'S ALL I HAVE TO SAY OTHER THAN IF
24 THERE'S QUESTIONS.

25 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH, MR.



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1 STEPHANIE. MR. BEAUTROW?

2 BOARD MEMBER BEAUTROW: A COUPLE OF COMMENTS.

3 ON THE SCHEDULE, WE DO HAVE A SCHEDULE;
4 HOWEVER, IT'S PROBABLY NOT PUBLISHED. IN OTHER WORDS, WE
5 AGREE ON A SERIES OF MEETINGS AND WE KNOW ABOUT IT. SO I
6 GUESS THE NEXT STEP IS MAYBE WE DON'T ADVERTISE IT THAT
7 THIS IS WAY IT IS. THERE IS A PREARRANGED SCHEDULE. WE
8 HAD THEM ALL SET FOR THIS BALANCE OF THE YEAR. I THINK
9 THAT'S, YOU KNOW, SOMETHING THAT CAN BE HANDLED.

10 BUT I APPRECIATE YOUR CANDIDNESS, AND I
11 THINK IT'S REALLY IMPORTANT THAT YOU, ON A LOCAL LEVEL,
12 TAKE CARE OF THESE THINGS.

13 AND WHAT YOU ARE SUGGESTING ON THE PERMIT
14 ISSUE, LIKE FOR THE FACILITY PERMIT, WHERE IT COMES TO US
15 FOR CONCURRENCE, YOU DON'T FEEL THAT THAT STEP IS
16 NECESSARY BECAUSE OF THE REGIONAL WATER BOARD'S ISSUE OF
17 WASTE DISCHARGE PERMIT AND THEY DON'T GO TO THE STATE
18 BOARD. IT'S A DIFFERENT HIERARCHY COMPLETELY. IS THAT
19 WHAT YOU ARE TALKING ABOUT, THAT SECOND STEP?

20 MR. STEPHANIE: WHAT WE'RE LOOKING AT, IN
21 ESSENCE, IS COMING UP FROM NOT ONLY EAC, BUT THE DIRECTOR
22 OF ENVIRONMENTAL HEALTH, THE HEALTH OFFICERS, THEY'RE ALL
23 LOOKING AT WAYS TO STREAMLINE. IN THIS DAY AND AGE,
24 THEY'RE HAVING DIFFICULTY GETTING PERMITS TO DISPOSE OF
25 WASTE, INCINERATORS, WHATEVER.



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1 WE FEEL THAT THE EXPERTISE THAT YOU HAVE AT
2 THE STATE LEVEL, YOU KNOW, SHOULD BE FOR -- FOR THE
3 TRAINING AND FOR THE POLICY SETTING AND SETTING THE
4 REGULATIONS AND SUCH. IF, IN FACT, AN LEA IS NOT DOING A
5 GOOD JOB, LET'S CONCENTRATE ON GOING AFTER THAT
6 PARTICULAR LEA. I'M GOING UNDER THE ASSUMPTION THAT IN
7 MOST THINGS THAT WE DO 90 PERCENT OF THE PEOPLE DO A GOOD
8 JOB.

9 SO WHEN WE LOOK AT OTHER MODELS, MAYBE THE
10 MODEL NEEDS TO BE CHANGED A LITTLE BIT, BUT WE GO THROUGH
11 A BIG PUBLIC PROCESS AT THE LOCAL LEVEL TO ISSUE A
12 PERMIT. THEN IT COMES UP HERE FOR CONCURRENCE WHICH
13 STARTS ANOTHER PUBLIC PROCESS. NO OTHER AGENCY DOES THIS
14 EXCEPT THE WASTE MANAGEMENT BOARD. SO IT SEEMS LIKE A
15 LOT OF TIME IS BEING WASTED. I DON'T WHAT THE BEST MODEL
16 IS. ALL I'M SAYING IS THAT EAC EVEN WITH SOME OF THE
17 THINGS THAT THEY'RE GOING TO BE DISCUSSING AND YOU WOULD
18 BE DISCUSSING WITH YOUR STAFF AND LOOKING AT THE SAME
19 PROBLEM.

20 BOARD MEMBER BEAUTROW: OF COURSE, THIS IS
21 REQUIRED BY THE LAW, THIS PROCEDURE, SO THE LAW WOULD
22 HAVE TO BE CHANGED; HOWEVER, WE DON'T HAVE A REGIONAL
23 SETUP LIKE THE WATER BOARD DOES, BUT THEY HAVE -- ON THE
24 LOCAL LEVEL, THEY HAVE THE REGIONAL WATER QUALITY CONTROL
25 BOARD. SO THEY HAVE A HEARING AND SO FORTH WHEN THEY

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1 ISSUE A WASTE DISCHARGE PERMIT, AND IT ONLY COMES UP TO
2 THE STATE IF THEY HAVE AN APPEAL. THIS WOULD REQUIRE A
3 CHANGE IN THE LAW. I'M NOT SAYING THAT IT SHOULDN'T BE
4 DONE, BUT I THINK THAT PEOPLE -- I KIND OF AGREE WITH
5 YOU. THEY LOOK AT US AS A COURT OF LAST RESORT AND PUT
6 ALL THEIR BARRAGE DOWN THERE AT THE LOCAL LEVEL AND THEN
7 THEY BRING IT ALL UP HERE AND GIVE US A BIG BARRAGE AND,
8 HOPEFULLY, WE EITHER OVERRIDE OR GOING ALONG.

9 YOU SAW THIS LETTER, I'M SURE, FROM WALTER
10 WONG IN MONTEREY COUNTY THAT LEVELED A BIG BLAST ABOUT
11 THAT -- HOW CAN I SAY IT DIPLOMATICALLY -- EVERYTHING WAS
12 IN CHAOS AND WE DIDN'T KNOW WHAT WAS GOING ON, WE WEREN'T
13 BEING RESPONSIVE AND ALL THAT. AND, BELIEVE ME, I THINK
14 THAT WE DO WANT TO BE RESPONSIVE. AND I THINK THAT
15 RATHER THAN -- AND IN THE PAST WE'VE RECEIVED REPORTS
16 FROM YOU, OKAY? I THINK THAT RATHER THAN JUST RECEIVE
17 THIS REPORT FROM YOU, WE NEED TO HAVE THE STAFF THEN TAKE
18 ALL OF THESE THINGS AND BRING IT TO US FOR SOME KIND OF
19 ACTION. THAT WOULD BE A LOGICAL SEQUENCE, NOT JUST
20 SAYING, "THANK YOU FOR YOUR REPORT. GO ON DO BUSINESS AS
21 NORMAL."

22 THANK YOU FOR YOUR COMMENTS AND CANDIDNESS.

23 MR. STEPHANIE: MR. BEAUTROW, WE, IN FACT,
24 DISCUSSED AT THE MEETING IN THE FUTURE MEETING
25 RECOMMENDATIONS AS AN EAC. AND AS FAR AS THE LAW HAVING



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1 TO BE CHANGED, YES, IT DOES HAVE TO BE CHANGED. WE'RE
2 NOT SAYING TO DO THAT TODAY OR TOMORROW, BUT WE'RE SAYING
3 TO LOOK AT IT. JUST BECAUSE IT'S 'IN THE LAW DOESN'T MEAN
4 IT'S THE BEST WAY TO DO THINGS.

5 I ALSO KNOW THAT YOU HAVE REGIONAL BOARDS
6 AND SUCH. I MEAN, IT'S LIKE SAYING THAT EVERY LAND USE
7 PERMIT THAT WE ISSUE AT THE LOCAL LEVEL SHULD COME
8 THROUGH SOME STATE AGENCY. WE THINK THAT PROBABLY ONLY
9 15 PERCENT OF THE PERMITS PROBABLY WOULD COME UP HERE ON
10 APPEAL BY EITHER ONE SIDE OR THE OTHER. I KNOW
11 SUPERVISOR BROWN AS A COUNTY SUPERVISOR, I'M SURE, CAN
12 ATTEST THAT IF THE LOCAL PEOPLE AREN'T DOING THE JOB,
13 THEY'RE GOING TO COMPLAIN TO HIM OR HER AT THAT BOARD
14 ANYWAY AND THEN IT'S GOING TO COME UP TO HERE.

15 WE DON'T SEE THAT MANY COMPLAINTS ABOUT
16 WHAT WE'RE DOING AT THE LOCAL LEVEL OTHER THAN FROM THE
17 LEA'S. I GET A LOT MORE LETTERS THAN, I'M SURE, YOU DO.
18 I'M TRYING TO TELL THEM THAT EVERYTHING -- WE'RE WORKING
19 EVERYTHING OUT, AND I THINK WE CAN IF WE WORK TOGETHER AS
20 A TEAM AND DON'T BE HAMSTRUNG JUST BECAUSE THE LAW IS
21 THIS WAY DOESN'T MEAN IT CAN'T BE CHANGED.

22 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

23 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

24 BOARD MEMBER BREMBERG: YOU KNOW, THE SAD THING
25 TO ME IS THAT REGULATIONS ARE ALWAYS WRITTEN TO THE



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1 WEAKEST LINK IN THE CHAIN. AND I'M SURE YOU MAY DISAGREE
2 WITH ME, BUT I HAVE DISCOVERED THAT NOT ALL LEA'S ARE AS
3 QUALIFIED AS YOU ARE. WE HAVE ENCOUNTERED SOME WHO ARE
4 TOTALLY UNQUALIFIED, BUT WHO ARE LOCKED INTO UNION OR
5 CIVIL SERVICE AND SOMETHING THAT CAN'T BE GOTTEN RID OF.
6 SO, INVARIABLY, AS IN ANY VACUUM, A REGULATION IS GOING
7 TO RUSH IN TO DEAL WITH THE WEAKEST LINK IN THE CHAIN.

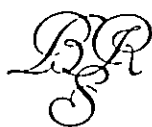
8 I WOULD SUGGEST TO YOU, AS A LEADER IN THE
9 FIELD, THAT PERHAPS YOU MIGHT DO A LITTLE IN-HOUSE
10 TRAINING ON SOME OF THE WEAK LINKS AND THAT WOULD RELAX
11 THE SCRUTINY AND THE NECESSITY FOR EXTRAORDINARY REVIEW
12 AND/OR ANALYSIS OF THOSE WEAK LINKS' ACTIONS. AND I
13 THINK THAT'S SAYING IT ABOUT AS DIPLOMATICALLY AS I CAN.

14 CHAIRMAN GALLAGHER: THANK YOU. ANYTHING ELSE?

15 MR. STEPHANIE, I'D LIKE TO SAY I APPRECIATE
16 YOUR CANDOR. I APPRECIATE THE INFORMATION THAT YOU HAVE
17 BROUGHT FORWARD. EVERYTHING THAT YOU HAVE PUT IN YOUR
18 REPORT WE HAVE AVAILABLE, I'M SURE, IN SOME FORM OR OTHER
19 WRITTEN DOWN. AND I CAN GUARANTEE YOU THAT EVERYONE OF
20 THEM IS GOING TO BE LOOKED AT BECAUSE WE ARE NOT CAST IN
21 CONCRETE. IF THERE'S A BETTER WAY TO DO THINGS, WE'LL
22 TRY TO SEE THAT IT'S DONE.

23 MR. STEPHANIE: THANK YOU VERY MUCH. I THANK
24 YOU FOR YOUR COURTESY.

25 CHAIRMAN GALLAGHER: THANK YOU, SIR.



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1 WE'LL NOW GET RIGHT ON WITH THE AGENDA IN
2 ITS ORDER. ITEM NO. 1, THAT WILL BE PRESENTATION BY THE
3 OFFICE OF ADMINISTRATIVE LAW ON CALIFORNIA'S REGULATORY
4 PROCESS UNDER THE ADMINISTRATIVE PROCEDURES ACT.

5 MR. IWAHIRO: YES, MR. CHAIRMAN. AS YOU ARE
6 WELL AWARE, WE ARE EMBARKED ON A WHOLE SERIES OF
7 REGULATION DEVELOPMENT AND CHANGES. AND SO WE THOUGHT IT
8 WOULD BE GOOD TO HAVE SOMEBODY HERE FROM OAL THAT COULD
9 KIND OF GIVE US A ROAD MAP OF WHAT'S IN STORE IN TERMS OF
10 THE REQUIREMENTS THAT THEY HAVE.

11 I THINK BILL ORR HAS SOME INTRODUCTORY
12 REMARKS AND WILL BE INTRODUCING THE PERSON FROM OAL.

13 MR. ORR: THANK YOU, MR. IWAHIRO. GOOD
14 MORNING, MR. CHAIRMAN AND BOARD MEMBERS.

15 THIS MORNING WE'RE GOING TO BE LOOKING AT
16 THE FORMAL PROCESS FOR RULEMAKING IN CALIFORNIA, WHICH IS
17 BASICALLY THAT PROCESS THAT THE LEGISLATURE HAS SET UP
18 FOR STATE AGENCIES TO CLARIFY THE LAWS THAT THEY PASS.

19 OVER THE LAST YEAR, WE'VE BEEN INVOLVED IN
20 BRINGING A NUMBER OF AGENDA ITEMS TO THE BOARD, HAVING
21 WORKSHOPS, DEVELOPING INFORMATION, MEETING WITH VARIOUS
22 ASPECTS OF THE REGULATED PUBLIC REGARDING ISSUES THAT
23 WE'RE WRITING REGULATIONS FOR.

24 AS WE LOOK TOWARD 1989, WE'RE GOING TO BE
25 ENTERING THE FORMAL PHASE OF THE REGULATIONS PROCESS, AND



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1 WE FELT THAT THIS WOULD BE AN EXCELLENT TIME TO HAVE A
2 REPRESENTATIVE FROM THE OFFICE OF ADMINISTRATIVE LAW, WHO
3 WILL DESCRIBE THAT PROCESS FOR US AND ALSO TELL US SOME
4 OF THE CONSIDERATIONS THAT ARE VERY IMPORTANT AS WE ENTER
5 THE FORMAL PHASE.

6 HE'LL BE TELLING US ABOUT THE BASIC REVIEW
7 CRITERIA AND THE ACTUAL PROCESS, THE TIMELINE THAT IS
8 CONTAINED IN THE ADMINISTRATIVE PROCEDURES ACT.

9 FROM THERE, WE'LL BE ABLE TO LOOK FORWARD
10 TO 1989 AND DEVELOP OUR RULEMAKING CALENDAR AND KNOW THE
11 TIME THAT WE'LL HAVE TO ALLOCATE IN TERMS OF THE AGENDA
12 ITEMS, IN TERMS OF PUBLIC HEARINGS, AND SOME OF THE
13 PITFALLS THAT LIE AHEAD FOR US.

14 SO WITH THAT, I'D LIKE TO TURN THE
15 MICROPHONE OVER TO MR. JOHN SMITH, THE CHIEF DEPUTY
16 DIRECTOR AND GENERAL COUNSEL WITH THE OFFICE OF
17 ADMINISTRATIVE LAW, WHO WILL MAKE THE PRESENTATION TO THE
18 BOARD. MR. SMITH.

19 MR. SMITH: THANK YOU AND THANK YOU FOR THE
20 OPPORTUNITY TO ADDRESS YOU TO DISCUSS THE RULEMAKING
21 PROCESS AND OUR OFFICE.

22 THE FORMAL PROCESS -- AND THIS IS A
23 DISTINCTION BETWEEN WORKSHOPS AND OTHER MEETINGS YOU MAY
24 HAVE BEFORE YOU DECIDE TO ADOPT A REGULATION. THE FORMAL
25 PROCESS BEGINS WHEN DEPARTMENT PUBLISHES IN THE



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1 CALIFORNIA NOTICE REGISTER A NOTICE OF PROPOSED
2 RULEMAKING.

3 THAT NOTICE IS ALSO SENT OUT TO ANYONE ON
4 YOUR MAILING LIST. THIS IS THE OPENING GAMBIT THAT LETS
5 THE PUBLIC KNOW EXACTLY WHAT'S GOING ON, WHAT YOU INTEND
6 TO DO. THEREAFTER, NORMALLY, A PUBLIC HEARING IS
7 SCHEDULED WHERE MEMBERS OF THE PUBLIC WILL COME IN OR
8 THEY CAN WRITE IN AND TELL YOU WHAT THEY THINK ABOUT THE
9 REGULATIONS, SUGGEST ANY CHANGES THEY MAY HAVE. AND
10 DURING THIS TIME, THERE'S A 45-DAY WINDOW OF OPPORTUNITY
11 FOR THE PUBLIC OR ANYONE TO DISCUSS WITH YOU WHAT YOU ARE
12 DOING AND MAKE ANY SUGGESTIONS THEY MAY HAVE.

13 ONCE YOU'VE GONE THROUGH THIS PROCESS AND
14 YOU'VE IDENTIFIED ANY DATA THAT YOU ARE GOING TO BE
15 RELYING UPON, YOU'VE GATHERED ALL THE COMMENTS, YOU'VE
16 TAKEN A LOOK AT THEM, IF ANY CHANGES NEED TO BE MADE, YOU
17 MAKE CHANGES DURING THIS TIME FRAME. ONCE YOU'VE
18 COMPLETED THE PROCESS, THE BOARD WOULD FORMALLY ADOPT THE
19 REGULATION IN ITS FINAL FORM, AND ALL THIS MATERIAL WOULD
20 THEN IS SENT TO OUR OFFICE.

21 JUST A LITTLE BACKGROUND: OAL WAS CREATED
22 IN 1980. THE LEGISLATIVE INTENT, REALLY, WAS TO CREATE
23 AN INDEPENDENT REVIEW BODY OF ALL REGULATIONS. WE'RE
24 INDEPENDENT OF BOTH THE LEGISLATURE AND THE GOVERNOR'S
25 OFFICE.

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1 THE OTHER INTENT WAS TO ASSURE THAT THE
2 PUBLIC, THE REGULATED PUBLIC HAS AN OPPORTUNITY, A
3 MEANINGFUL OPPORTUNITY, TO PARTICIPATE IN THE PROCESS.

4 OUR REVIEW CAN BE BROKEN DOWN INTO TWO
5 ASPECTS: THE PROCEDURAL REVIEW, OUR LAWYERS WILL TAKE A
6 LOOK AT THE NOTICE. THEY'LL TAKE A LOOK AT WHAT HAPPENED
7 AT THE PUBLIC HEARING. THEY'LL MAKE SURE THAT THE
8 DEPARTMENT HAS RESPONDED TO ALL THE PUBLIC COMMENTS,
9 EITHER BY TELLING THEM WHY THEY FELT THEIR SUGGESTION WAS
10 INAPPROPRIATE OR BY AMENDING THE REGULATION.

11 SUBSTANTIVELY, WE LOOKED AT SIX LEGAL
12 STANDARDS. THE FIRST IS AUTHORITY. WE LOOK TO MAKE SURE
13 THAT THE ADOPTING DEPARTMENT HAS GENERAL RULEMAKING
14 AUTHORITY. THE LEGISLATURE HAS GRANTED THEM QUASI
15 LEGISLATIVE AUTHORITY TO ADOPT THE REGULATIONS IN THE
16 FIRST PLACE.

17 WE'LL THEN LOOK AT WHAT WE CALL REFERENCE,
18 WHICH WE LOOK AT THE SPECIFIC STATUTE THAT THE REGULATION
19 IS ACTUALLY IMPLEMENTING.

20 WE'LL LOOK AT WHAT WE CALL CLARITY.
21 GENERALLY, IF YOU CAN READ THE REGULATION IN TWO
22 DIFFERENT WAYS, THE REGULATION WOULD FAIL THAT STANDARD.
23 WE ALSO LOOK AT CONSISTENCY. AND, HERE, WE LOOK TO SEE
24 WHETHER OR NOT THE REGULATION IS NOT ONLY CONSISTENT WITH
25 OTHER REGULATIONS, BUT WITH STATUTES AS WELL AS THE



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1 CONSTITUTION.

2 NECESSITY IS A STATEMENT IN THE RULEMAKING,
3 WHEREIN YOU WOULD SET FORTH THE REASON THAT YOU'VE
4 ADOPTED THE REGULATIONS IN THE PARTICULAR MANNER WHICH
5 YOU HAVE. FOR INSTANCE, SAY, YOU ADOPT A REGULATION THAT
6 RAISES A FEE, YOU WOULD HAVE TO SIMPLY JUSTIFY WHY YOU
7 ARE RAISING THE FEE TO THAT PARTICULAR AMOUNT.

8 THE LAST STANDARD IS NONDUPLICATION.
9 GENERALLY, IT'S A VIOLATION OF THE NONDUPLICATION
10 STANDARD IF YOU SET FORTH IN THE REGULATION ANOTHER
11 STATUTE OR ANOTHER REGULATION. THIS CAN BE DONE. YOU
12 JUST SIMPLY HAVE TO JUSTIFY WHY YOU NEED THIS ADDITIONAL
13 MATERIAL IN THE REGULATION ITSELF.

14 IF EVERYTHING MEETS THE STANDARDS OF THE
15 APA, OAL APPROVES THE REGULATION, IT'S FILED WITH THE
16 SECRETARY OF STATE AND GENERALLY IS EFFECTIVE IN 30 DAYS.

17 IF THERE ARE SOME PROBLEMS AND WE HAVE TO
18 DISAPPROVE THE FILE, THE REGULATION THEN IS SENT BACK TO
19 THE AGENCY, AND THE AGENCY HAS 120 DAYS WITHIN WHICH TO
20 CORRECT THE DEFICIENCIES.

21 IF, IN CORRECTING THE PROBLEMS, THE
22 REGULATION ITSELF NEEDS TO BE CHANGED, THAT MAY CREATE A
23 15-DAY ADDITIONAL PUBLIC AVAILABILITY WHERE YOU HAVE TO
24 CHANGE THE REGULATION AND SEND IT OUT TO ANYONE WHO
25 COMMENTED UPON THE REGULATION IN THE FIRST PLACE, LETTING



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1 THEM KNOW HOW THE REGULATION HAS BEEN ALTERED.

2 THAT'S A VERY QUICK OVERVIEW OF THE GENERAL
3 PROCESS. THE ONLY OTHER METHOD BY WHICH AN AGENCY CAN
4 ADOPT REGULATION IS BY THE EMERGENCY PROCESS. EMERGENCY
5 REGULATIONS MAY BE ADOPTED FOR THE PRESERVATION OF THE
6 PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

7 WHAT ACTUALLY COMES TO OAL IS THE TEXT OF
8 THE REGULATION, AN EXPLANATION OF WHY THIS MEETS THE
9 EMERGENCY STANDARD, AND ASSUMING THAT IT DOES, IT WOULD
10 BE -- WE WOULD APPROVE IT, IT WOULD BE FILED, AND IT'S
11 EFFECTIVE IMMEDIATELY.

12 AN EMERGENCY REGULATION IS ONLY EFFECTIVE
13 FOR 120 DAYS. WITHIN THAT TIME, THE DEPARTMENT WOULD
14 THEN HAVE TO GO OUT AND GO -- PUBLISH THEIR NOTICE OF
15 PROPOSED RULEMAKING AND GO THROUGH THE WHOLE PROCESS. SO
16 YOU ARE JUST SORT OF PUTTING THE CART BEFORE THE HORSE.

17 THE OTHER RESPONSIBILITY THAT WE HAVE DEALS
18 WITH SO-CALLED UNDERGROUND REGULATIONS. AN UNDERGROUND
19 REGULATION IS A RULE WHICH IS GENERALLY APPLICABLE
20 THROUGHOUT THE STATE. IT IMPLEMENTS A STATUTE AND IS, BY
21 DEFINITION, THEREFORE, A REGULATION, BUT IT HAS NEVER
22 BEEN PUT THROUGH THE FORMAL PROCESS.

23 THIS CAME ABOUT THROUGH A CALIFORNIA
24 SUPREME COURT CASE IN 1978, WHICH THE LEGISLATURE
25 ESSENTIALLY CODIFIED ITS HOLDING AND SAID THAT STATE



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1 AGENCIES CANNOT UTILIZE IN ANY MANNER A RULE WHICH, BY
2 DEFINITION, IS A REGULATION, BUT HAS NOT BEEN PUT THROUGH
3 THE PROCESS.

4 IN CREATING THAT LEGISLATION, THE
5 LEGISLATURE GAVE US THE RESPONSIBILITY TO MAKE WHAT WE
6 CALL REGULATORY DETERMINATIONS.

7 THE WAY OUR PROCESS WORKS IS ANY MEMBER OF
8 THE PUBLIC CAN REQUEST OAL TO TAKE A LOOK AT A PARTICULAR
9 DOCUMENT AN AGENCY MIGHT BE USING. WE THEN PUBLISH --
10 THIS HAS BEEN -- IF THIS REQUEST HAS BEEN MADE OF US, WE
11 GIVE THE PUBLIC AND, OF COURSE, THE AGENCY AN OPPORTUNITY
12 TO RESPOND TO THIS REQUEST. AND THEN AT SOME POINT IN
13 THE FUTURE WE'LL RESEARCH THE ISSUE, AND THEN WE'LL
14 PUBLISH OUR DECISION OF WHETHER OR NOT WE FEEL THAT THIS
15 IS SOMETHING THAT NEEDS TO BE FORMALLY ADOPTED.

16 THESE DECISIONS OF OAL, THEY'RE NOT BINDING
17 ON AN AGENCY, BUT WE FOUND THAT THEY'RE VERY HELPFUL TO
18 THE AGENCIES TO AVOID USING SOMETHING WHICH MAY BE
19 CHALLENGED IN A COURT OF LAW AT SOME FUTURE DATE.

20 THAT'S BASICALLY OUR PROCESS. IF YOU HAVE
21 ANY QUESTIONS, I'D BE HAPPY TO ANSWER THEM.

22 CHAIRMAN GALLAGHER: THANK YOU, MR. SMITH. ANY
23 QUESTIONS OF MR. SMITH?

24 I HAVE ONE. DO YOU HAVE A LOT OF REQUESTS
25 TO LOOK AT THE PROPOSED UNDERGROUND REGULATION?



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1 MR. SMITH: WE HAVE A BACKLOG OF ABOUT A DOZEN,
2 AND THAT'S FAIRLY CONSISTENT. OUR PROCESS IS EXTREMELY
3 LENGTHY. THE RESEARCHING TIME INVOLVED IN ONE OF THESE
4 IS VERY EXTENSIVE. SO WE DON'T HAVE A LOT OF STAFF WE
5 CAN ALLOCATE TO THAT PARTICULAR PROGRAM, SO WE ALWAYS
6 HAVE A BACKLOG.

7 CHAIRMAN GALLAGHER: I SEE. THANK YOU. MS.
8 BREMBERG.

9 BOARD MEMBER BREMBERG: GO ON TO YOUR QUESTION,
10 IF, AS I ASSUME IT MUST HAPPEN, THAT THE UNDERGROUND
11 REGULATIONS YOU FIND ARE NOT -- SHOULD NOT BE ENFORCED,
12 DO YOU THEN REQUEST THAT THE AGENCY, WHICHEVER, START THE
13 PROCESS WITH THE PUBLIC HEARINGS AND HOLD IN ABEYANCE THE
14 ENFORCEMENT OF THAT STATUTORY REGULATION OR STATUTORY
15 PROVISION?

16 MR. SMITH: NO. WHEN WE -- IF WE ISSUED A
17 DECISION SAYING THAT SOMETHING AN AGENCY IS USING IS AN
18 UNDERGROUND REGULATION, THAT'S THE END OF IT FOR OUR
19 PART. WE DON'T HAVE ANY ENFORCEMENT AUTHORITY. WE CAN'T
20 DIRECT THE AGENCY TO STOP USING IT, OR WE CANNOT DIRECT
21 THEM TO ADOPT A REGULATION.

22 BOARD MEMBER BREMBERG: BUT IF IT GOES TO COURT,
23 YOUR OPINION IS CERTAINLY PART OF THE RECORD?

24 MR. SMITH: OUR DECISIONS HAVE BEEN TAKEN TO
25 COURT ON ABOUT EIGHT OCCASIONS, CERTAINLY NOT BY US, BUT



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1 BY MEMBERS OF THE PUBLIC WHO REQUESTED IT IN THE FIRST
2 PLACE.

3 BOARD MEMBER BREMBERG: THANK YOU.

4 CHAIRMAN GALLAGHER: THANK YOU. ANY FURTHER
5 QUESTIONS?

6 THANK YOU AGAIN, MR. SMITH, FOR COMING OVER
7 AND SHARING THAT WITH US.

8 BOARD MEMBER ARAKALIAN: JUST RECENTLY -- WELL,
9 WITHIN LESS THAN A YEAR IS RECENTLY -- WE HAD PUT AN
10 AMENDMENT ON A REGULATION, AND IT CAME BEFORE YOUR --
11 WHAT IS IT -- COUNCIL? WHATEVER IT'S CALLED -- OAL. AND
12 IT WAS TURNED DOWN. OKAY? WELL, I WAS RATHER UPSET
13 ABOUT IT ONLY BECAUSE I FELT IT WAS REAL IMPORTANT, YOU
14 KNOW, TO TAKE CARE OF WHAT I FELT WAS A REAL UNCLEAR
15 HAZARDOUS SITUATION.

16 I WONDER ON SOMETHING LIKE THAT, BECAUSE WE
17 WENT THROUGH A LOT OF TIME. WE SPENT A LOT OF TIME
18 LOOKING INTO IT CHECKING IT OUT. I PERSONALLY WENT OUT
19 TO THE SITES AND SAW A LOUSY SITUATION, TOOK PICTURES OF
20 IT, BROUGHT THEM IN, SHOWED PEOPLE WHAT CAN HAPPEN AND
21 HOW HAZARDOUS THE SITUATION IS AND THE HEALTHWISE,
22 PRIMARILY.

23 AND AFTER ALL OF THIS, WHEN IT WAS TURNED
24 DOWN, I WONDER DO THE PEOPLE WHO LOOK AT IT IN --
25 OBVIOUSLY, LIKE ATTORNEYS, ETC., DON'T ALWAYS SEE A WHOLE



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1 SITUATION. THEY LOOK AT A BUNCH OF WORDS AND NIT-PICK
2 HOW THE WORD WAS WRITTEN AS OPPOSED TO WHAT IS IT AIMED
3 TO DO.

4 IF THE INTENT OF WHAT IT SHOULD HAVE DONE
5 WAS WORTHY, WHICH I FELT REALLY WAS WORTHY, DOESN'T GET
6 DONE BECAUSE OF JUST DISCREPANCIES BETWEEN HOW WE
7 POSSIBLY HAD WORDED IT AND HOW YOUR ATTORNEYS ACCEPTED
8 THE WORDING, RATHER THAN TURN SOMETHING LIKE THAT DOWN,
9 WOULDN'T IT BE WISER, SAY, OR MORE APPLICABLE OR
10 SOMETHING FOR YOUR PEOPLE TO COME AND SAY, "YOU KNOW, WE
11 AREN'T SAYING THAT WHAT YOU ARE DOING WITH THE REGULATION
12 DOESN'T HAVE MERIT, BUT IT SHOULD HAVE BEEN WORDED LIKE
13 THIS," AND GET TO US AND LET US REVISE OR REWRITE OR REDO
14 THE WORDING BECAUSE MY THOUGHT IS, JUST A LAY PERSON, YOU
15 KNOW, AND I LIKE TO GET SOMETHING DONE WHEN IT'S
16 NECESSARY.

17 I HATE LIKE HECK TO THINK THAT IT ISN'T
18 GOING TO GET DONE JUST BECAUSE OF WORDING OR A
19 TECHNICALITY OF HOW THE PHRASING WAS DONE. AND IT JUST
20 SEEMS SO TERRIBLE. HERE'S A REGULATION THAT'S NECESSARY,
21 YOU KNOW, THAT ISN'T GOING TO BE BECAUSE OF SOMETHING
22 LIKE THIS. INSTEAD OF TAKING -- I DON'T KNOW WHAT
23 ATTITUDE YOUR PEOPLE TAKE. I MIGHT SAY THE WRONG THING
24 TO YOU. I DON'T KNOW. INSTEAD OF TAKING HAUGHTY AIR, WE
25 DON'T LIKE THE WAY IT WAS WRITTEN, BAM, CLOSED, HELL WITH



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1 YOU, WHY NOT COME UP AND SAY, "GEE FELLAS, YOU GUYS
2 AREN'T AS KNOWLEDGEABLE ABOUT REGULATION WRITING AS US.
3 LOOK BACK ON THIS. AND I THINK THAT IF YOU WANT THIS
4 THING TO BE, THEN WRITE IT LIKE THIS."

5 THAT'S WHAT I UNDERSTOOD THAT THE TURNDOWN
6 WAS FOR. BECAUSE IF IT WASN'T FOR THAT, THEN, WHICH I
7 THINK IT WAS, THEN IT WOULD REALLY BE WRONG BECAUSE
8 WITHOUT REALLY FULLY KNOWING THE SITUATION, ONE SHOULDN'T
9 MAKE A NEGATIVE DECISION ON SOMETHING, YOU KNOW. I THINK
10 IT WAS BECAUSE OF THE WORDING.

11 MR. SMITH: FIRST OF ALL, WE RECOGNIZE THAT NO
12 DEPARTMENT ENTERS INTO THE RULEMAKING PROCESS LIGHTLY.
13 IT'S A VERY TIME-CONSUMING AND IT'S ALSO VERY IMPORTANT.
14 WE'RE TRYING TO ADDRESS SOME PROBLEM THAT YOU PERCEIVED
15 OUT THERE.

16 IT IS NOT OUR POLICY TO TAKE THESE THINGS
17 LIGHTLY OR TO SIMPLY DISMISS REGULATIONS BECAUSE ON --
18 FOR NIT-PICKING REASONS. IT'S -- IT'S BEEN MY POLICY, IF
19 MY STAFF HAS THE OPPORTUNITY, WE ALWAYS ATTEMPT TO WORK
20 WITH THE STAFF OF THE DEPARTMENT IF WE FIND PROBLEMS.

21 ONE OF THE DIFFICULTIES WE RUN INTO IS WE
22 HAVE -- WE ONLY HAVE 30 DAYS WITHIN WHICH TO REVIEW THESE
23 PACKAGES, AND SOME OF THEM ARE -- WE GET BOX LOADS AND
24 THAT CAN BE ONE REGULATION. IF WE HAVE AN OPPORTUNITY TO
25 REVIEW AND FIND PROBLEMS BEFORE THE 30TH DAY, THEN -- AND



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1 IT'S NOTHING THAT'S ABSOLUTELY FATAL TO RULEMAKING, IT'S
2 ALWAYS BEEN MY POLICY TO HAVE MY STAFF CONTACT THE STAFF
3 OF THE DEPARTMENT AND TRY TO WORK THESE THINGS OUT.

4 BUT MANY TIMES WE FIND THAT THE DIRECTOR
5 WILL FEEL THAT THERE'S SOME PROBLEM WITH THE REGULATION
6 ON THE VERY LAST DAY AND THERE'S SIMPLY NOTHING WE CAN DO
7 BUT DISAPPROVE IT. EVEN AFTER DISAPPROVAL, THE DECISION
8 THAT GOES OUT TO THE AGENCY FULLY EXPLAINS THE PROBLEM.
9 AND IF THE DEPARTMENT STAFF HAS ANY QUESTIONS WHATSOEVER,
10 MY STAFF IS AVAILABLE, I'M AVAILABLE, SO WE ARE NOT
11 DISLOCATED FROM THE PROCESS. WE ARE A PART OF THE TEAM,
12 ALTHOUGH SOME AGENCIES MAY NOT FEEL THAT WAY. WE'RE PART
13 OF THE PROCESS AND WE'RE TRYING TO MAKE IT WORK FOR
14 EVERYBODY.

15 BOARD MEMBER ARAKALIAN: LET ME ASK YOU ANOTHER
16 QUESTION THEN. IN A CASE LIKE THIS -- I'LL ASK CONHEIM
17 HERE IN A MOMENT IF, IN FACT, THAT WAS WHAT HAPPENED.
18 WOULD WE HAVE TO GO THROUGH A WHOLE PROCESS AGAIN, OR CAN
19 WE COME BACK TO YOU AND SAY, "LOOK, IF THIS WAS WHY IT
20 WAS DONE, CAN WE REVISE IT AND RESUBMIT IT TO YOU?"

21 MR. SMITH: NORMALLY, IT CAN JUST BE REVISED AND
22 RETURNED TO US. BUT THE SPECTRUM OF THESE TYPES OF
23 ISSUES ARE DIFFICULT TO SAY, BUT IN MOST CASES THE
24 PROBLEM, IF IT'S A CLARITY ISSUE, IT CAN BE GENERALLY
25 JUST REVISED AND RESUBMITTED TO US.



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1 BOARD MEMBER ARAKALIAN: MAY I ASK YOU THIS,
2 THEN? WHEN YOU HAVE TIME, WOULD YOU JUST, RATHER THAN
3 SPEAK COMPLETELY LIKE WE ARE NOW AND THERE'S NO TIME FOR
4 ANYTHING ELSE NOW, GIVE ME SOME TIME SO I MAY GO OVER
5 THIS WITH YOU AND YOU TELL ME AND SORT OF SET ME STRAIGHT
6 BECAUSE I FORESEE A PROBLEM COMING UP BECAUSE OF THE WAY
7 IT'S BEEN HANDLED.

8 MR. SMITH: I'D BE HAPPY TO AT YOUR DISCRETION.

9 BOARD MEMBER ARAKALIAN: YOU TELL ME. I HAVE
10 MORE TIME THAN YOU BECAUSE YOU WORK REGULAR AND I DON'T.

11 MR. SMITH: SOMETIME TODAY?

12 BOARD MEMBER ARAKALIAN: THAT WOULD BE FINE, IF
13 I MAY.

14 MR. SMITH: SURE.

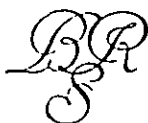
15 BOARD MEMBER ARAKALIAN: I CAN SNEAK OUT OF HERE
16 FOR A FEW MINUTES.

17 CHAIRMAN GALLAGHER: MR. CONHEIM.

18 ATTORNEY CONHEIM: MR. CHAIRMAN, MR. ARAKALIAN,
19 AND BOARD MEMBERS, I CONCUR WITH MR. SMITH. THE STAFF
20 HAS BEEN AVAILABLE, THEIR WORKLOAD PERMITTING. AND I
21 MADE CONTACT WITH THE REVIEWING ATTORNEY ON THIS
22 PARTICULAR REGULATION PACKAGE, BUT SHE AND I JUST HAVE
23 NOT BEEN ABLE TO SPEND AN HOUR OR TWO TOGETHER ON THIS
24 ISSUE.

25 THEY ARE AVAILABLE. ONE THING I WAS

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1 UNAWARE OF WAS THAT WE COULD CORRECT A CLARITY ERROR WITH
2 JUST A TEXT CHANGE. I THOUGHT THAT THAT WOULD REQUIRE
3 RENOTICING OR A 15-DAY NOTICE. AND I WILL TALK TO MS.
4 WATERS ABOUT THAT, BUT THEY HAVE BEEN -- THEY HAVE BEEN
5 VERY COOPERATIVE IN TERMS OF THEIR PROCESS.

6 WE MAY NOT AGREE WITH THEIR DECISIONS ON
7 THINGS, BUT I THINK THAT THIS MEETING HERE TODAY WITH MR.
8 SMITH GOES A LONG WAY TOWARDS HELPING ALL OF US
9 UNDERSTAND SOME OF THE ISSUES THAT WE'RE GOING TO HAVE TO
10 FACE IN DEALING WITH OAL OVER THE NEXT YEAR AS WE REALLY
11 REV UP OUR FORMAL REGULATIONS PROCESS. WE HAVE ACCESS TO
12 THE ATTORNEY WHO REVIEWED THE PARTICULAR FILE, AND I
13 INTEND TO COMPLETE THAT COMMUNICATION, MR. ARAKALIAN, AND
14 GET HER FURTHER REASONING ON IT.

15 BOARD MEMBER ARAKALIAN: YOU ARE MORE
16 BUREAUCRATIC THAN I AM. YOU SEE, FIRST OFF, I DIDN'T
17 KNOW THAT. I'M NOT BEING MEAN, I HOPE, BUT I'VE ALWAYS
18 FELT THAT WHEN THERE'S A PROBLEM, I WANT TO DO IT AS
19 RAPIDLY AS POSSIBLE. SIX MONTHS AND A YEAR, I SAID,
20 "GEEZ, HOW DOES ANYTHING EVER GET DONE?" I'M NOT USED TO
21 THAT.

22 AND SO, FRANKLY, YOU KNOW, I REALLY WOULD
23 LIKE TO TALK TO YOU WHEN -- ANYTIME YOU ARE DONE AND YOU
24 HAVE TIME TO GET A LITTLE BREATHER AND GO OVER WITH ME
25 AND I'LL DRAG HIM OUT.

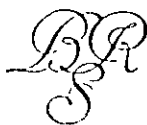
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1 MR. SMITH: SURE. THAT'S FINE.

2 CHAIRMAN GALLAGHER: THANK YOU. MR. VARNER.

3 MR. VARNER HAS A QUESTION.

4 BOARD MEMBER VARNER: JUST SOMETHING CROSSES MY
5 MIND HERE. IS THIS WHOLE PROCESS WE'RE GOING THROUGH, IS
6 IT DESIGNED TO STREAMLINE THE PROCESS OR TO FURTHER
7 COMPLICATE IT?

8 MR. SMITH: PROBABLY NEITHER.

9 BOARD MEMBER VARNER: TELL YOU WHY I ASK THAT.
10 JUST THE PRESENTATION BEFORE, MR. STEPHANIE BROUGHT UP A
11 NUMBER OF THINGS THAT FROM THE LOCAL LEVEL, THAT WHY
12 DON'T WE AS A BOARD DO THIS BECAUSE IT WOULD BE BETTER
13 THAN DOING WHATEVER WAY WE'RE DOING IT. AND HE HAS
14 ALLUDED TO CERTAIN THINGS, THAT WE MAY HAVE TO DO CERTAIN
15 THINGS BY LAW, BUT THESE LAWS OUGHT TO BE CHANGED AND SO
16 FORTH.

17 THE PROCESS IS MUCH MORE COMPLICATED THAN
18 WHAT HE PRESENTED IN MY OPINION. I SAT IN AS A MEMBER OF
19 THE WASTE BOARD ON THIS SENATE TASK FORCE, MR. ROBERTI'S
20 BLUE RIBBON TASK FORCE COMMITTEE TO LOOK INTO THE WHOLE
21 ISSUE OF WASTE DISPOSAL. THIS IS ONE OF THE BIG THINGS
22 THAT I'VE HEARD OVER AND OVER AND OVER. THIS WHOLE
23 REGULATORY PROCESS AND PERMITTING PROCESS OUGHT TO BE
24 CHANGED, AND QUITE OFTEN THE BOARD IS CRITICIZED VERY
25 SEVERELY BECAUSE YOU OUGHT TO DO IT THIS WAY OR THAT WAY



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1 OR THE OTHER WAY, WHEN WE, IN FACT, CAN'T DO IT THAT WAY
2 AND IT'S EXPLAINED TO THEM.

3 I SYMPATHIZE WITH THEIR STATEMENTS THAT THE
4 WHOLE PROCESS OUGHT TO BE STREAMLINED AND SIMPLIFIED. I
5 BELIEVE THAT IT COULD, BUT NOT UNDER THE PRESENT
6 CIRCUMSTANCES. AND, AS A MATTER OF FACT, AS I SEE THE
7 WHOLE PROCESS EVOLVING, IT GETS MORE AND MORE AND MORE
8 COMPLICATED, NOT LESS SO.

9 I'M NOT REALLY ADDRESSING THIS SO MUCH TO
10 YOU AS I AM A THOUGHT PROCESS AS I SEE THIS WHOLE
11 SCENARIO UNFOLDING. IS THERE, IN YOUR OPINION, FROM YOUR
12 PARTICIPATION FROM THIS OFFICE OF ADMINISTRATIVE LAW, A
13 WAY IN WHICH WE CAN, INDEED, START TO STREAMLINE THIS
14 PROCESS TO MAKE THE WHOLE THING MORE RESPONSIVE TO THE
15 PUBLIC AND TO THE LOCAL COMMUNITIES WHERE ALL THE
16 PROBLEMS REALLY HAVE TO BE SOLVED AND HAVE TO BE
17 ADDRESSED? AND QUITE OFTEN SOMETHING THAT, AT LEAST ON
18 THE LOCAL LEVEL, THEY FEEL OUGHT TO TAKE TWO WEEKS MIGHT
19 TAKE TWO OR THREE YEARS AND STILL NOT BE SATISFIED, NOR
20 IN THAT PERIOD OF TIME MAY HAVE BEEN COMPLICATED MORE.

21 MR. SMITH: WELL, BEFORE 1980 -- WELL, EVEN
22 GOING BACK FARTHER THAN THAT, THERE WAS A TIME WHEN THE
23 DEPARTMENT COULD WRITE SOMETHING ON A PIECE OF PAPER AND
24 GIVE IT TO WHAT WAS THEN THE OFFICE OF ADMINISTRATIVE
25 HEARINGS, AND THEY WOULD STAMP IT AND FILE IT WITH THE



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1 SECRETARY OF STATE AND THAT WAS THE END OF IT. NO ONE
2 SAW IT. LAWS WERE BEING CREATED IN A VACUUM.

3 WHEN THE LEGISLATURE DRASTICALLY CHANGED
4 THE RULEMAKING REQUIREMENTS IN 1980, THEIR PRIMARY INTENT
5 WAS MAKING SURE THAT THIS DOESN'T HAPPEN, THAT THE PEOPLE
6 AT THE LOCAL LEVEL ARE INVOLVED. THEY KNOW WHAT'S GOING
7 ON. THE BUSINESSES AREN'T BEING PUT OUT OF BUSINESS
8 BECAUSE SOME DEPARTMENT UP IN SACRAMENTO DECIDED THEY
9 WANTED TO DO SOMETHING A PARTICULAR WAY. SO THAT WAS THE
10 WHOLE INTENT OF IT.

11 IT IS FOR A DEPARTMENT, FOR ANY STATE
12 DEPARTMENT, INCLUDING OURS, IT IS A COMPLICATED PROCESS.
13 I ADMIT THAT. ANY CHANGES, THOUGH, ANY STREAMLINING OF
14 THE PROCESS WOULD HAVE TO BE DONE LEGISLATIVELY. OUR
15 REGULATIONS THAT WE HAVE ADOPTED AND WHICH WE MAY BE
16 AMENDING THIS YEAR, WE'VE TRIED TO DO WHAT WE CAN TO
17 SMOOTH OUT THE ROUGH EDGES ON THE STATUTES AND MAKE IT
18 SOMEWHAT MORE UNDERSTANDABLE AND, USING YOUR WORDS,
19 STREAMLINE THE PROCESS AS MUCH AS WE CAN, BUT IT IS A
20 VERY TECHNICAL, LENGTHY PROCESS BY DESIGN.

21 CHAIRMAN GALLAGHER: MR. MOSCONE.

22 BOARD MEMBER MOSCONE: I'M SORRY THAT I WAS
23 LATE. I WAS VERY INTERESTED IN THIS BECAUSE I THINK I
24 COULD ECHO SOME OF SKEET'S COMMENTS.

25 HOW LONG HAS THE OAL BEEN IN EXISTENCE?



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1 MR. SMITH: SINCE 1980.

2 BOARD MEMBER MOSCONE: SINCE 1980. SOME OF OUR
3 REGULATIONS AND STUFF THAT WERE DRAFTED IN 1978 OR PASSED
4 IN '78, WHERE WERE THEY IN THE PAST TEN YEARS? HOW COME
5 ALL OF A SUDDEN WE'VE GOT ALL OF THIS STUFF TO DO?

6 MR. SMITH: WELL, LIKE I SAY, BEFORE 1980, ALL
7 REGULATIONS WERE SUBMITTED TO WHAT WAS THEN THE OFFICE OF
8 ADMINISTRATIVE HEARINGS.

9 BOARD MEMBER MOSCONE: I DON'T WANT TO -- THAT'S
10 THE WAY IT'S DONE. BUT I KNOW I'VE BEEN ON THIS BOARD
11 SINCE THE FIRST DAY SINCE 1973. SOME OF THESE POLICIES
12 AND ALL WERE ADOPTED ESPECIALLY THE WAY THEY WERE WITH A
13 LOT OF DETAIL BECAUSE THAT'S THE WAY SOME OF THE PEOPLE
14 WE WERE GOING TO REGULATE WANTED IT. THEY WANTED
15 EXAMPLES EVEN.

16 NOW WE COME DOWN TO THE POINT WHERE IT'S
17 BRIEF AND AUTHORITY AND REFERENCE CERTAIN AND TURNING
18 BACK AND GOING ALL OVER THE DAMN PLACE TO FIND OUT WHAT
19 THEY'RE TALKING ABOUT. I DON'T THINK I'LL SAY ANY MORE.
20 THANK YOU.

21 CHAIRMAN GALLAGHER: THANK YOU. ANYTHING ELSE?

22 AGAIN, MR. SMITH, THANK YOU VERY MUCH. IT
23 WAS INTERESTING. I SUSPECT THAT WE'RE NOT THE ONLY
24 AGENCY THAT HAS TO GO THROUGH YOU, SO WE TREAT EVERYTHING
25 HERE AS THOUGH WE ARE THE MOST IMPORTANT. WE ARE THE



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1 ONES THAT NEED TO GET FIRST OF EVERYTHING. AND I'M SURE
2 THAT THAT, IN ITSELF, IS PROBABLY A PART OF THE REASON IT
3 LOOKS CUMBERSOME AND SLOWS DOWN BECAUSE YOU JUST CAN'T BE
4 CONCERNING YOURSELF WITH WASTE ISSUES, BUT YOU'VE GOT
5 OTHERS TO LOOK AT TOO. BUT YOU WILL HAVE TO BEAR WITH
6 US. WE ARE PRIMARILY CONCERNED ABOUT OUR OWN SELVES AND
7 OUR OWN BOARD. THANK YOU AGAIN FOR COMING OVER. IT'S
8 BEEN VERY INFORMATIVE.

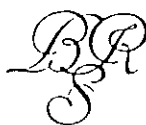
9 MR. SMITH: QUITE WELCOME. LIKE I SAID BEFORE,
10 MYSELF AND MY STAFF ARE ALWAYS AVAILABLE IF YOU HAVE ANY
11 QUESTIONS.

12 CHAIRMAN GALLAGHER: THANK YOU. MR. CONHEIM.

13 ATTORNEY CONHEIM: MR. CHAIRMAN, BEFORE MR.
14 SMITH LEAVES, HE NEEDS NO DEFENSE OR RESCUE. WE HAD A
15 DIFFICULT EXPERIENCE WITH THE REGULATIONS PACKAGE THAT
16 MR. ARAKALIAN WAS TALKING ABOUT. I DO WANT TO LET YOU
17 KNOW THAT THE LAST PACKAGE WE BROUGHT TO YOU, CLEANUP
18 CHAPTERS 1 AND 8 OF OUR REGULATIONS, WE'VE BEEN NOTIFIED
19 INFORMALLY THAT, PENDING ONE LITTLE RECORDKEEPING CHANGE,
20 THAT PACKAGE WILL BE ROUTINELY APPROVED. SO IT ISN'T
21 ALWAYS A BAD EXPERIENCE WITH OAL, JUST SOMETIMES.

22 CHAIRMAN GALLAGHER: THANK YOU, BOB.

23 WE'RE READY TO MOVE ON NOW. ITEM NO. 3 ON
24 YOUR AGENDA, DISCUSSION OF REGULATIONS, STATE MINIMUM
25 STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL ACTIVITY.



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1 ARE YOU PREPARED FOR THAT, MR. OLDALL?

2 MR. OLDALL: WHATEVER YOU SAY.

3 CHAIRMAN GALLAGHER: MR. EOWAN IS BACK.

4 MR. EOWAN: PARDON ME, MR. CHAIRMAN.

5 CHAIRMAN GALLAGHER: ITEM NO. 3.

6 MR. EOWAN: THANK YOU. THIS IS THE CONTINUATION
7 OF OUR DISCUSSIONS OF THE STATUS OF DEVELOPING AND
8 REVIEWING THE REGULATIONS. BEFORE WE START THAT, WE HAVE
9 DEVELOPED A PROPOSED PRELIMINARY TENTATIVE SCHEDULE FOR
10 1989 AND '90 THAT IS INTENDED TO TAKE US TO THE END OF
11 THIS PROCESS.

12 AND AT SOME POINT TODAY, WHEN WE BREAK, I
13 WILL DISTRIBUTE A COPY OF THIS AND WE CAN ALL TAKE A LOOK
14 AT IT. IT'S ALL OF THE CAVEATS I GAVE YOU. IT'S OUR
15 BEST SHOT AT HOW TO COMPLETE THESE THINGS, MEET STATUTORY
16 DEADLINES, COORDINATION EFFORTS WITH EPA AND RCRA
17 DEVELOPMENT, ETC., AND WILL ALSO HELP US KNOW WHAT KIND
18 OF A BOARD MEETING SCHEDULE WE'LL NEED FOR THE NEXT FEW
19 MONTHS.

20 SO I WANTED TO LET YOU KNOW THAT WE HAVE
21 SOMETHING LIKE THAT. WE'VE BEEN WORKING ON IT FOR THE
22 LAST FEW MONTHS. WE HAVE A LOT OF ISSUES THAT NEED TO BE
23 DISCUSSED IN CONJUNCTION WITH THIS AND WE CAN DO THAT.

24 NOW I'LL TURN IT OVER TO BILL NOW ON THE
25 ITEM.



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1 MR. ORR: THANK YOU. THE ITEM THAT WE'RE GOING
2 TO BE BRINGING TO YOU TODAY IS -- WELL, IT SORT OF
3 REPRESENTS ABOUT A ONE-YEAR ANNIVERSARY OF ABOUT A YEAR
4 AGO IN THE END OF DECEMBER LAST YEAR, WE SENT OUT A
5 COMPREHENSIVE REVIEW OF ALL THE DIFFERENT AREAS CONTAINED
6 IN TITLE 14 OF THE REGULATIONS. AND THROUGHOUT THIS
7 YEAR, WE'VE BEEN BRINGING TO YOU VARIOUS TOPICS FROM THAT
8 BINDER, AND WE'VE DONE A LOT OF ADDITIONAL RESEARCH,
9 WE'VE HAD NEW PEOPLE ASSIGNED TO WORK ON SOME OF THE
10 ITEMS.

11 MARY COLE HAS BEEN WORKING ON THE OPERATING
12 MINIMUM STANDARDS NOW FOR SEVERAL MONTHS, AND THIS
13 REPRESENTS THE FIRST OF SEVERAL PHASES OF MATERIAL THAT
14 WILL BE BROUGHT TO YOU ON THE OPERATING MINIMUM
15 STANDARDS, THE STATE MINIMUM STANDARDS FOR SOLID WASTE
16 HANDLING AND DISPOSAL.

17 THESE STANDARDS, IN ADDITION TO THE NEEDS
18 AT THE LOCAL AND THE STATE LEVEL THAT HAVE BEEN
19 IDENTIFIED THROUGH THE STAFF'S WORK, DISCUSSIONS WITH THE
20 INSPECTORS AT THE STATE AND LOCAL ENFORCEMENT AGENCY,
21 COMMENTS THAT WE'VE RECEIVED, IN ADDITION TO THESE AREAS,
22 THESE ARE THE STANDARDS THAT ARE GOING TO BE MOST
23 AFFECTED BY THE IMPENDING SUBTITLE D RULE AT THE FEDERAL
24 LEVEL.

25 AND SO WHILE WE'RE BRINGING TO YOU SOME OF



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1 THESE THINGS THAT WE'VE IDENTIFIED AT THE STATE, THERE
2 WILL BE, NEEDLESS TO SAY, SOME POTENTIAL CHANGES AS THE
3 SUBTITLE D RULE IS POTENTIALLY FINALIZED IN THE NEXT
4 YEAR. SO THESE ARE PRELIMINARY IN NATURE, BUT CONSISTENT
5 WITH THE PRESENTATIONS THAT WE'VE BEEN MAKING TO YOU OVER
6 THE LAST YEAR.

7 MARY COLE WILL BE DISCUSSING THE FIRST
8 COMPONENT OF THE OPERATING STANDARDS.

9 MS. COLE: MR. CHAIRMAN AND MEMBERS, IF I COULD
10 HAVE THE LIGHTS FOR THE SLIDES, I'LL BE ADDRESSING TODAY
11 THE FIRST PHASE OF OUR PROPOSED CHANGES TO THE STATE
12 MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL.
13 SOME OF THE PROBLEMS THAT WE HAVE UNCOVERED IN THESE
14 CURRENT REGULATIONS ARE THEY ARE UNCHANGED SINCE 1978.
15 AND AS THE PRESENTER FROM THE OFFICE OF ADMINISTRATIVE
16 LAW WAS SPEAKING, MANY OF THEM WERE FILED WITHOUT NEED,
17 NECESSITY, AND CLARITY STATEMENTS THAT WOULD BE REQUIRED
18 BY THEIR OFFICE TODAY.

19 REGULATIONS ARE ALSO UNCLEAR AS TO THE
20 PERFORMANCE STANDARDS TO BE ATTAINED. THIS HAS CAUSED A
21 LOT OF CONFUSION AND CONFLICTS IN THE FIELD BETWEEN
22 OPERATORS, LOCAL ENFORCEMENT AGENCIES, AND BOARD STAFF ON
23 TRYING TO INTERPRET WHAT THE ACTUAL REQUIREMENTS OF THE
24 REGULATIONS ARE. SO WE'RE GOING TO BE TRYING TO ADDRESS
25 WHAT THOSE REQUIREMENTS ARE IN THIS CHANGE.



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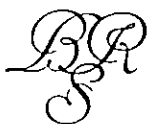
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1 THEY ALSO ARE NOT CONSISTENT WITH THE
2 PROPOSED FEDERAL REQUIREMENTS AND CURRENT STATE
3 REQUIREMENTS, AND WE'LL BE TAKING THAT INTO CONSIDERATION
4 ON THESE CHANGES AND TRYING TO MAKE THEM CONSISTENT. AND
5 THEY DO NOT MEET OAL'S CRITERIA FOR CLARITY AND
6 NECESSITY.

7 ON THIS PHASE THAT WE'RE GOING THROUGH,
8 STAFF HAS IDENTIFIED SEVERAL AREAS WHICH NEED REVISION,
9 AND WE'VE ALSO BEEN REVIEWING THE FILE THAT WAS
10 PREVIOUSLY SUBMITTED BACK IN 1981 AND TAKEN THE COMMENTS
11 AND CONSIDERATION ON OUR CURRENT CHANGES. AND THE
12 OVERALL PROPOSAL IS PREDICTED TO COME UP WITH ARTICLES
13 THAT THE NEXT SLIDE SHOWS.

14 THIS SLIDE REPRESENTS WHAT OUR PROPOSAL
15 WILL GO FORWARD TO OFFICE OF ADMINISTRATIVE LAW WHEN THE
16 PROPOSALS HAVE BEEN ACCEPTED BY THE BOARD. AND TODAY'S
17 PHASE 1 IS NEW ARTICLE 5, WHICH IS GENERAL STANDARDS FOR
18 SOLID WASTE FACILITIES.

19 WHAT WE HAVE DONE ON THIS PHASE IS GONE
20 THROUGH THE EXISTING ARTICLE REGARDING TRANSFER STATIONS
21 AND DISPOSAL SITES AND FOUND THAT MANY OF OUR -- THE
22 STANDARDS ARE REPEATED FOR THOSE FACILITIES. AND OUR
23 PROPOSAL IS TO CONSOLIDATE THE REPETITION INTO ONE
24 ARTICLE AND MAKE THAT ARTICLE APPLICABLE TO ALL SOLID
25 WASTE FACILITIES, AND THAT'S WHAT WE'LL BE DISCUSSING



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1 TODAY.

2 IF YOU WOULD REFER TO PAGES 25 AND 26 OF
3 YOUR PACKET, THERE'S TABLES IN YOUR PACKET THAT SHOW SO
4 YOU CAN SEE AT A GLANCE THE REPETITION THAT CURRENTLY
5 EXISTS IN CURRENT REGULATIONS.

6 OUR PHASE 1 CHANGES TODAY WOULD ALSO HAVE
7 SOME SUBSTANTIAL CHANGES TO REGULATORY DIRECTION.
8 THERE'S THREE AREAS THAT WE'VE IDENTIFIED WOULD BE
9 SUBSTANTIAL CHANGES. THERE ARE EIGHT AREAS THAT WE'VE
10 IDENTIFIED WOULD BE LESS SUBSTANTIAL, AND THE REMAINING
11 ARE MERELY CONSOLIDATION OF CURRENT REGULATIONS. AND
12 WE'LL BE ADDRESSING THOSE AS WE GO THROUGH THE ACTUAL
13 PROPOSED TEXT.

14 TODAY WE'RE SEEKING YOUR GUIDANCE AND
15 DIRECTION ON OUR PROPOSALS, AND WE WILL TAKE YOUR
16 COMMENTS INTO CONSIDERATION AND REVISE OUR PROPOSAL. AND
17 WE'RE LOOKING AT EVENTUALLY GOING OUT TO AN INFORMAL
18 WORKSHOP FOR OPERATORS, LOCAL ENFORCEMENT AGENCIES, AND
19 OTHER INTERESTED PARTIES TO GET THEIR INPUT ON THIS
20 PROPOSAL. THEN WE WILL COME BACK TO THE BOARD AND MAKE
21 OUR -- BEGIN OUR OFFICIAL OAL PROCESS.

22 AT THIS TIME, IF YOU WILL REFER TO PAGE 27,
23 WE CAN ACTUALLY BEGIN OUR DISCUSSION OF THE INDIVIDUAL
24 SECTIONS. WHAT I'LL DO, FOR THE INTEREST OF TIME, IS WE
25 WILL THOROUGHLY DISCUSS THE AREAS THAT HAVE SIGNIFICANT



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1 OR LESS SIGNIFICANT CHANGES. AND THOSE AREAS THAT ARE
2 MERELY CONSOLIDATED I PROPOSE TO JUST BRING THAT TO YOUR
3 ATTENTION UNLESS THERE'S DISCUSSION ON THOSE ACTUAL
4 ISSUES. WE WON'T GO INTO DEEP DISCUSSION ON IT.

5 THE FIRST -- PAGE 27 OF YOUR PACKET, THE
6 FIRST PROPOSAL IS SECTION 17200, COMPLIANCE WITH LAWS AND
7 REGULATIONS. AND THIS IS WHAT I DEFINED AS A
8 NONSIGNIFICANT CHANGE. IT'S MERELY TO THE ACTUAL FIRST
9 CURRENT TEXT OF 17200 AUTHORITY IS NOW REQUIRED BY OFFICE
10 OF ADMINISTRATIVE LAW TO PUT THE AUTHORITY IN REFERENCE
11 SECTIONS UNDERNEATH EACH SECTION SO THAT THAT TEXT IS NO
12 LONGER NEEDED. THERE IS A PART OF THE CURRENT TEXT THAT
13 IS CONSOLIDATED INTO THE PROPOSED 17201, COMPLIANCE OF
14 LAWS AND REGULATIONS.

15 WHAT WE ARE PROPOSING IS THAT THE NEW 17200
16 READ BASICALLY THE SAME AS IT ALREADY EXISTS UNDER 17201.
17 AND ON PAGE 28 IT WOULD -- IT SHOWS YOU THE PROPOSED
18 TEXT. THE NEW PORTION WOULD BE THE LAST PARAGRAPH OR THE
19 LAST PART OF THE SECTION WHICH INCORPORATES WHAT ALREADY
20 EXISTS UNDER 17200.

21 THE NEXT SECTION IS 17201, CONFORMANCE WITH
22 THE PLAN, WHICH ALSO I'VE IDENTIFIED AS A NONSIGNIFICANT
23 CHANGE. AND CURRENTLY ARTICLES IN 5, 6, 7, AND 8 ALL
24 CONTAIN REQUIREMENTS THAT SOLID WASTE STORAGE REMOVAL,
25 TRANSFER PROCESSING, DISPOSAL, AGRICULTURAL SOLID WASTE



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1 STORAGE COLLECTION AND MANAGEMENT ALL BE IN CONFORMANCE
2 WITH THE COUNTY SOLID WASTE MANAGEMENT PLANS.

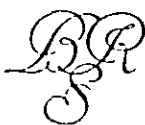
3 THERE ARE STANDARDS IN EACH OF THE ARTICLES
4 THAT ADDRESS THOSE OPERATIONS REQUIRING THE CONFORMANCE.
5 OUR PROPOSAL IS TO CONSOLIDATE THAT REQUIREMENT INTO ONE
6 STANDARD AND STATE THAT REQUIREMENT UP FRONT IN --
7 APPLICABLE TO ALL SOLID WASTE FACILITIES.

8 BOARD MEMBER BEAUTROW: MARY, COULD I JUST ASK A
9 QUESTION? THERE'S THIS WORD "SUBSTANTIALLY REMODELED AND
10 SUBSTANTIALLY EXPANDED," ARE WE GOING TO HAVE THE SAME
11 OLD PROBLEMS WITH THE DEFINITION OF WHAT DOES SUBSTANTIAL
12 MEAN OR HOW ARE WE GOING TO DEAL WITH THAT?

13 MS. COLE: WE ARE TRYING TO ADDRESS THAT UNDER
14 OUR CHANGES TO CHAPTER 5, WHICH IS THE PERMIT AREA OF
15 WHAT A SUBSTANTIAL CHANGE WOULD BE FOR A PERMIT REVISION.

16 MR. EOWAN: WE NEED TO BE CONSISTENT. I THINK
17 WHAT HE'S SAYING IS THAT THE ACTUAL WORDS WE USE SHOULD
18 BE CONSISTENT SO THAT WE DON'T GET INTO A SITUATION,
19 MAYBE, WHERE WE'RE TALKING SUBSTANTIAL VERSUS
20 SIGNIFICANT.

21 BOARD MEMBER MOSCONE: THIS GOES BACK TO THE
22 VERY FIRST DAY THAT WE STARTED TALKING ABOUT ALL OF
23 THESE, AS I MENTIONED EARLIER TO MR. SMITH, ADEQUATE AND
24 ALL OF THAT KIND OF STUFF. FROM THE VERY FIRST DAY THAT
25 WE STARTED ON THESE THINGS AND WE WANTED THE PROPER WORD,



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1 BUT THAT'S THE WAY -- AND I THINK IT'S PEOPLE WHO ARE
2 COMING ON TO THESE REGULATIONS, THEY WERE THE ONES WHO
3 WANTED LOOSE STUFF. AND THEY NOW ARE TELLING, "WE DON'T
4 KNOW WHAT YOU ARE TALKING ABOUT." WHAT IS ADEQUATE? WE
5 NEVER DID DETERMINE WHAT ADEQUATE MEANT AND SOME OF THE
6 OTHER WORDS.

7 MR. EOWAN: WE DID HAVE --

8 BOARD MEMBER MOSCONE: I THINK THEY'RE IN THE
9 DEFINITIONS NOW, IF I REMEMBER CORRECTLY.

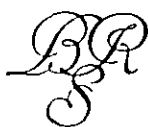
10 MR. EOWAN: AND MR. BROWN CHAIRED A COMMITTEE ON
11 SIGNIFICANT CHANGE. SO WE HAVE A DOCUMENT THAT WE USE AS
12 A DEFINITIVE TOOL WHEN WE DETERMINE SIGNIFICANT CHANGE.
13 I DON'T KNOW THAT IT'S ONE THAT PLEASES EVERYBODY, BUT
14 IT'S THE ONE WE USE.

15 BOARD MEMBER VARNER: GEORGE, ARE WE GOING TO
16 HAVE A GLOSSARY OF WORDS --

17 MR. EOWAN: NO.

18 BOARD MEMBER VARNER: -- TO DETERMINE WHAT'S
19 SIGNIFICANT AND SUBSTANTIAL AND ADEQUATE AND APPROPRIATE
20 AND SO ON AND SO FORTH, THINGS THAT CAN BE TAKEN ANY WAY
21 YOU WANT TO TAKE THEM? DO WE HAVE ANY DEFINITIONS OF
22 WHAT THESE MEAN? ARE WE GOING TO HAVE?

23 MR. EOWAN: WELL, WE DO FOR SIGNIFICANT CHANGE.
24 WE HAVE A LONG DOCUMENT THAT TRIES TO DESCRIBE THE
25 VARIOUS WAYS YOU COULD COME TO A SIGNIFICANT CHANGE IN A



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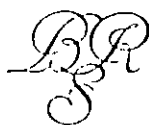
1 PERMIT.

2 BOARD MEMBER VARNER: WELL, I UNDERSTAND WHAT
3 JOHN IS SAYING HERE, AND IT'S COMING BACK TO HAUNT US IN
4 A LOT OF DIFFERENT WAYS. MAYBE IT'S NOT POSSIBLE, BUT
5 EVENTUALLY WE'RE GOING TO BE CHALLENGED ON WHAT
6 SUBSTANTIAL MEANS OR SOMEBODY WILL ARGUE WHAT SUBSTANTIAL
7 MEANS AND IT MEANS DIFFERENT THINGS TO DIFFERENT PEOPLE.
8 WHAT DOES IT MEAN TO US WHEN WE MAKE THIS --

9 MR. EOWAN: WE'LL JUST -- I THINK WHAT WE'RE
10 SAYING IS ON THAT ONE THAT WE'LL MAKE IT CONSISTENT WITH
11 SIGNIFICANT EVEN THOUGH WE'RE TALKING A LITTLE BIT ABOUT
12 DIFFERENT THINGS.

13 MR. ORR: WE'RE GOING TO DEFINITELY HAVE TO HAVE
14 A LOT OF DEFINITIONS. ONE OF THE REASONS THAT WE HAD MR.
15 SMITH HERE TODAY WAS BECAUSE THE STAFF ATTENDED A COURSE
16 THAT'S OFFERED BY THE OFFICE OF ADMINISTRATIVE LAW
17 THROUGH THE STATE TRAINING CENTER. IT WAS VERY
18 ILLUMINATING TO THE STAFF IN TERMS OF THE KINDS OF THINGS
19 THAT ARE BEING LOOKED AT IN CURRENT LIGHT. AND ONE OF
20 THE THINGS, WHILE WE WERE SITTING THERE IN THE CLASS
21 THINKING ABOUT IT, WAS ADEQUATE AS DETERMINED BY THE
22 LOCAL ENFORCEMENT AGENCY, SUBSTANTIAL, SIGNIFICANT, ALL
23 THOSE TYPE OF QUALIFYING WORDS THAT MEAN DIFFERENT THINGS
24 TO DIFFERENT PEOPLE.

25 ONE OF OUR GOALS IS TO, WHEREVER POSSIBLE,



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1 REMOVE THOSE WORDS. AND IF WE CAN'T REMOVE THEM, WOULD
2 BE TO DEFINE THEM IN A DEFINITION SECTION. ONE OF THE
3 WAYS THAT WE'VE SEEN IN LOOKING AT REGULATIONS THAT YOU
4 CAN DO THAT IS YOU GIVE, LIKE MR. MOSCONE MENTIONED
5 EARLIER, GIVE SOME EXAMPLES. AND ONE OF THE WAYS, ONE OF
6 THE APPROACHES TO SAYING WHAT IS ADEQUATE OR SIGNIFICANT
7 IS BY LISTING SOME THINGS THAT WOULD BE CONSIDERED AND BY
8 SAYING THINGS SUCH AS AND THEN LISTING A NUMBER OF THINGS
9 THAT WOULD BE CONSIDERED, BUT NOT LIMIT THAT TO THAT LIST
10 SO THAT PEOPLE, WHEN THEY LOOK AT IT, CAN SORT OF SEE IF
11 THEIR SITUATION IS LIKE THAT.

12 AND I THINK THAT, FOR EXAMPLE, THE
13 SIGNIFICANT CHANGE REPORT HAS A LOT OF THOSE KINDS OF
14 THINGS. IT SAYS SIGNIFICANT CHANGE MAY BE AND IT LISTS A
15 NUMBER OF CONSIDERATIONS TO MAKE. I THINK THAT THAT'S
16 THE KIND OF THING THAT WE'RE GOING TO SEE INSTEAD OF
17 SIMPLY HAVING ADEQUATE THERE.

18 TO BE QUITE HONEST, ALTHOUGH THERE IS A
19 SECTION THAT DEFINES WHAT ADEQUATE MEANS IN THE
20 STANDARDS, BASICALLY IT COMES DOWN TO A CASE-BY-CASE
21 DETERMINATION, WHICH IS VERY STAFF AND BOARD INTENSIVE.
22 I DON'T THINK THE WORD "ADEQUATE" OR "SIGNIFICANT" ALONE
23 WITHOUT A DEFINITION OR WITHOUT A LIST WOULD GO THROUGH
24 THE ADMINISTRATIVE LAW PROCESS AT THIS POINT IN TIME.

25 MS. COLE: TO CONTINUE ON, THERE WAS ALSO A



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1 RECENT LAW THAT STATED THAT HOUSEHOLD HAZARDOUS WASTE
2 PROGRAMS BE IN CONFORMANCE WITH COUNTY SOLID WASTE
3 MANAGEMENT PLANS TOO. SO OUR REVISION TO SECTION 17201
4 WOULD INCLUDE THE INCLUSION THAT HOUSEHOLD HAZARDOUS
5 WASTE PROGRAMS BE IN CONFORMANCE WITH COUNTY SOLID WASTE
6 MANAGEMENT PLANS. AND THAT IS THE CHANGE THAT WE'RE
7 PROPOSING IN THE NEW SECTION.

8 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

9 CHAIRMAN GALLAGHER: MS. BREMBERG.

10 BOARD MEMBER BREMBERG: WHEN MR. STEPHANIE WAS
11 HERE, YOU REMEMBER HE'S INDIRECT CONTRADICTION FROM HIS
12 REQUEST ON THE HOUSEHOLD HAZARDOUS WASTE. HE FEELS AND
13 SUGGESTED THAT HOUSEHOLD HAZARDOUS WASTE BE HANDLED
14 TOTALLY BY THE LEA'S FOR PERMITTING, AS I UNDERSTAND HIS
15 POINT OF VIEW.

16 MR. EOWAN: WELL, I THINK HE SAID -- WELL, WE'LL
17 HAVE TO LOOK AT THE RECORD. I THOUGHT HE SAID SOMETHING
18 DIFFERENT.

19 BOARD MEMBER BREMBERG: OKAY. THAT'S WHY WE
20 HAVE HORSE RACES. WHAT DID HE SAY?

21 MR. EOWAN: WE HAVE TWO SETS OF EARS. I THOUGHT
22 HE SAID HE'D LIKE TO SEE THE PERMITTING COME BACK TO THE
23 WASTE MANAGEMENT BOARD AS THE LEAD AGENCY ON HOUSEHOLD
24 HAZARDOUS WASTE, AND THAT HE RECOMMENDED THE SAME THING
25 TO THE DEPARTMENT OF HEALTH SERVICE. IN FACT, I MADE A



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1 NOTE OF THAT HEALTH SERVICE WOULD THINK.

2 BOARD MEMBER BREMBERG: HE SAID, TOO, THAT THE
3 LEA SHOULD BE THE ONES THAT START THE PROCESS.

4 MR. EOWAN: YES, HE DID SAY THAT. I
5 MISUNDERSTOOD YOUR COMMENT.

6 BOARD MEMBER BREMBERG: BUT HE SUGGESTED THAT
7 THEY BE THE ORIGINATOR OF THE RECOMMENDATION PRO OR CON.
8 AND DOES THIS PROPOSED REVISED REGULATORY LANGUAGE MAKE
9 THAT CLEAR, OR DON'T WE WANT TO MAKE THAT CLEAR, OR DON'T
10 WE WANT IT TO HAPPEN THAT WAY?

11 MR. EOWAN: I THINK -- I THINK THAT THIS
12 LANGUAGE THAT WOULD STILL ALLOW THEM TO DO THAT.

13 BOARD MEMBER BREMBERG: OKAY. I DON'T KNOW
14 WHETHER WE WANT TO DO THAT.

15 MR. EOWAN: THE QUESTION THAT I HAVE, THOUGH, ON
16 IT THAT I WANTED TO RAISE IS THE WORD "PROGRAMS" AS A
17 LOCAL GOVERNMENTAL ISSUE. SEE, TYPICALLY, WE DON'T --
18 AND CORRECT ME, STAFF OR ANYBODY, IF I'M WRONG --
19 TYPICALLY, WE DON'T REQUIRE CONFORMANCE WITH THE PLANS
20 FOR OUR PROGRAM THAT WE DO FOR A PERMIT. AND IT'S ONE
21 THING TO REQUIRE CONFORMANCE FOR -- LIKE AS THE NORCAL
22 PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY
23 WOULD BE A PERMIT FOR THAT, AND MAYBE THERE SHOULD BE
24 CONFORMANCE WITH THE COSWMP.

25 FOR A PROGRAM, THE QUESTION I WOULD HAVE IS



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1 ARE WE TALKING ABOUT ONE-DAY COLLECTION PROGRAMS THAT MAY
2 OCCUR AT A PARKING LOT OR A FIRE STATION OR WHEREVER?
3 AND I JUST WANTED TO MAKE SURE WE ALL KNEW WHAT WE WERE
4 TALKING ABOUT WHEN WE USE THAT WORD. IF YOU HAVE ANY
5 COMMENTS ON THAT --

6 BOARD MEMBER BREMBERG: YEAH. BECAUSE, YOU
7 KNOW, OUR CITY PROGRAM, ARE WE IN VIOLATION OF SOMEBODY'S
8 LAW OR SOMEBODY'S REGULATION BY HAVING A CITY SPONSORED
9 AND PAID-FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY
10 THROUGH IGNORANCE OR DELIBERATE AVOIDANCE OF GETTING A
11 PERMIT? I DON'T KNOW. I'M JUST ASKING. THE WAY THE
12 LANGUAGE IS, HOW WOULD THESE PROGRAMS OR PLANS OR
13 COLLECTION DAYS OR WHATEVER BE HANDLED? IS IT CLEARLY
14 DEFINED?

15 CHAIRMAN GALLAGHER: MR. BROWN.

16 BOARD MEMBER BROWN: I HAD THE SAME PROBLEM,
17 GEORGE, WHEN I SAW THIS WORD "CONFORMANCE" POP UP. I
18 WASN'T -- MY CONFUSION CAME AND IT PROBABLY IS BECAUSE OF
19 LACK OF TOTAL UNDERSTANDING. BUT MY PROBLEM CAME IN IS A
20 HOUSEHOLD HAZARDOUS WASTE COLLECTION ELEMENT OF YOUR
21 COSWMP MEANT TO BE IN CONFORMANCE OR MEANT TO BE A PART
22 OF THE PLAN?

23 NOW, WE'RE SPLITTING WORDS, WHICH IS WHAT I
24 HATE TO DO, BUT THE COLLECTION DAY SEEMS TO ME TO BE
25 SOMETHING THAT YOU WOULD HAVE IN YOUR PLAN THAT YOU WOULD

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1 DO, FOR INSTANCE. CONFORMANCE, TO ME, MEANT THE ULTIMATE
2 DISPOSAL OF THAT WASTE WOULD HAVE TO BE IN CONFORMANCE
3 WITH THE PLAN, AND I'M NOT -- I DON'T KNOW IF IT MAKE
4 SENSE THERE OR NOT.

5 MR. EOWAN: LET'S SAY YOU HAD A COSWMP THAT WAS
6 APPROVED AND IN FORCE IN THE COUNTY, AND MAYBE YOU HAD IT
7 APPROVED A YEAR AGO, AND THEN YOU DECIDED, OKAY, WE WANT
8 TO HAVE A COLLECTION PROGRAM NEXT NOVEMBER, WOULD YOU
9 HAVE TO AMEND YOUR COSWMP TO BE IN CONFORMANCE WITH THE
10 PLAN IF IT WASN'T ALREADY IN THE APPROVED COSWMP THAT YOU
11 DID, SAY, A YEAR AGO? THAT WOULD BE MY QUESTION.

12 AND WOULD WE BE, THEN, NOT REALLY
13 FULFILLING OUR GOAL OF ENCOURAGING THESE COLLECTION
14 PROGRAMS BY REQUIRING A CONFORMANCE WITH A PLAN OR WHAT
15 PURPOSE FOR THAT KIND OF A PROGRAM? ON THE OTHER HAND,
16 MAYBE A COUNTY WOULD KNOW THREE YEARS IN ADVANCE HOW
17 MANY -- WHAT THEIR PROGRAM WOULD BE, HOW MANY COLLECTION
18 DAYS, AND I JUST DON'T KNOW.

19 BOARD MEMBER BROWN: DOES THE ELEMENT THAT WE'RE
20 REQUIRED TO PUT INTO THE COSWMP THAT RELATES TO HOUSEHOLD
21 HAZARDOUS WASTE CALL FOR A SCHEDULE OF COLLECTION, OR
22 DOES IT JUST MAKE REFERENCE TO A GENERAL IDEA THAT YOU
23 WILL HAVE COLLECTION DAYS? I DON'T KNOW.

24 MS. COLE: I THINK THIS IS MISWORDED BASED ON
25 YOUR DISCUSSION, AND IT IS THE ELEMENT -- THE HOUSEHOLD

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1 HAZARDOUS WASTE COLLECTION ELEMENT WE'RE LOOKING AT AS TO
2 BEING IN THE COUNTY SOLID WASTE MANAGEMENT PLAN. I WILL
3 GO BACK AND CHECK THE LAW THAT MADE THIS REQUIREMENT AND
4 TRY TO MAKE THIS MORE CLEAR BASED ON YOUR COMMENTS.

5 BOARD MEMBER BROWN: MAYBE THAT WOULD BE HELPFUL
6 AT THIS POINT. THANK YOU.

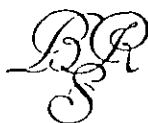
7 MS. COLE: ARTICLE 2 OF YOUR PACKET, PAGE 30,
8 NEXT PROPOSAL IS PROPOSED SECTION 17204, INTENT OF
9 STANDARDS. THIS, AGAIN, IS ONE I CONSIDER A
10 NONSUBSTANTIAL CHANGE IN THAT IT'S MERELY A CONSOLIDATION
11 OF EXISTING STANDARDS. AND WE ARE TRYING TO DEFINE WHAT
12 THE WORD "ADEQUATE" IS AND ALSO "AS APPROVED BY THE LOCAL
13 ENFORCEMENT AGENCY" IN GOING THROUGH THESE REQUIREMENTS
14 FOR FACILITIES.

15 BUT THERE WILL STILL BE OCCASIONS WHERE
16 THOSE WORDS WILL BE USED, AND IN THOSE OCCASIONS WE'RE
17 TRYING TO REQUEST THE OPERATOR TO INCLUDE WHAT HIS
18 PROPOSAL IS IN HIS REPORT OF FACILITY INFORMATION; AND,
19 THEREBY, IT WOULD BE RESTATED IN THE SOLID WASTE FACILITY
20 PERMIT. SO WE ARE AMENDING THIS SECTION, INTENT OF
21 STANDARDS, ALONG THOSE LINES TO TRY AND DEFINE -- FURTHER
22 DEFINE THE WORD "ADEQUACY."

23 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

24 CHAIRMAN GALLAGHER: MS. BREMBERG.

25 BOARD MEMBER BREMBERG: ONE OF THE THINGS THAT



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1 I'VE BEEN GETTING A LOT OF FROM THE CITY POINT OF VIEW IS
2 THE SEEMING BIFURCATION AT ONE POINT AND THEN THE
3 CONSOLIDATION AT ANOTHER POINT BETWEEN PRESCRIPTIVE
4 STANDARDS AND PERFORMANCE STANDARDS AND THE SEEMING
5 INTENT TO LEAN MORE ON PRESCRIPTIVE THAN PERFORMANCE
6 STANDARDS. AND THIS IS GENERALLY CAUSING A CONSIDERABLE
7 AMOUNT OF CONFUSION TO ME, AS WELL AS TO OTHER PEOPLE,
8 AND I CAN'T ANSWER THEM, BUT I SAID I WOULD CERTAINLY ASK
9 THE QUESTION TODAY.

10 YOUR PROBLEM ON (C) ON PAGE 31 STATES ALL
11 THIS, BUT IT DOESN'T ANSWER ANY QUESTIONS. IN MY MIND IT
12 GENERATES A GREAT DEAL MORE CONFUSION. AND THE NEED IS
13 THERE, OBVIOUSLY. YOU KNOW, ON PAGE 32 THE NEED IS
14 CLEAR, BUT THE PROBLEMS AND THE SOLUTION DON'T SEEM, IN
15 MY OPINION, WHICH IS TOTALLY UNINFORMED, TO RESOLVE THE
16 ISSUE.

17 MR. EOWAN: WELL, WE DISCUSSED PERFORMANCE AND
18 PRESCRIPTIVE STANDARDS A LOT AT STAFF LEVEL, AND WE
19 BROUGHT IT UP IN DIFFERENT CONTEXT HERE. OVERALL, OUR
20 EFFORT IS DIRECTED TOWARDS PERFORMANCE STANDARDS. THERE
21 ARE SOME CASES WHERE WE DON'T HAVE PERFORMANCE STANDARDS;
22 WE HAVE PRESCRIPTIVE STANDARDS. FOR EXAMPLE, THE AMOUNT
23 OF COVER IS PRESCRIBED BY SUBCHAPTER 15. THAT'S NOT A
24 PERFORMANCE STANDARD. THAT SAYS YOU HAVE TO HAVE SIX
25 INCHES OR WHATEVER THE NUMBER IS.



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1 WE'VE ALSO DISCUSSED THIS IN CONTEXT WITH
2 RCRA, THE REAUTHORIZATION. THE FIRST SET OF STANDARDS
3 THAT THEY CAME OUT WITH WERE CONSIDERED TO BE
4 PRESCRIPTIVE. IF YOU ARE IN -- WELL, PRESCRIPTIVE -- I
5 WON'T GO INTO WHAT IT IS. THERE WAS A LOT OF DISCUSSION
6 FROM THE STATES ABOUT THAT, AND THEY CAME OUT IN RESPONSE
7 TO THAT WITH WHAT THEY CALL PERFORMANCE STANDARDS, WHICH
8 REALLY OUTRAGED THE STATES BECAUSE THEY DIDN'T LIKE THE
9 PERFORMANCE STANDARDS.

10 SO WE COMMENTED, AS WELL AS PROBABLY EVERY
11 OTHER STATE ANY SIGNIFICANCE, COMMENTED ON THOSE
12 PERFORMANCE STANDARDS, AND SAID, "YOU KNOW WHAT? THERE
13 WAS A LOT OF GOOD THINGS ABOUT THE FIRST SET THAT YOU HAD
14 BECAUSE IT WAS A LOT MORE WORKABLE IN SOME CASES." SO
15 ALTHOUGH WE'RE DIRECTED TOWARDS PERFORMANCE STANDARDS, I
16 GUESS THE POINT I'M TRYING TO MAKE IS THERE'S NO
17 AUTOMATIC GOOD OR BAD ON EITHER ONE. YOU HAVE TO REALLY
18 LOOK AT EACH INDIVIDUAL ONE BECAUSE THERE'S REASONS WHY
19 YOU WANT TO GO ONE WAY OR THE OTHER. IN GENERAL, WE'RE
20 TRYING TO GO PERFORMANCE.

21 BOARD MEMBER BREMBERG: WELL, ALL I'M SAYING IS
22 WHEN SOMETHING HAPPENS, IS IT DEFINED TO THE VICTIM AS
23 EITHER BEING ONE OR THE OTHER AND THE REASON THEREFOR,
24 INSTEAD OF JUST ARBITRARILY SAYING, "THIS IS IT." I
25 MEAN, THAT WOULD SEEM TO ME TO MAKE IT LOT EASIER IF YOU

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1 JUST KNEW THE DIRECTION YOU WERE BEING SENT IN AND WHY.

2 MR. EOWAN: SOMETIMES YOU HAVE WHAT WE CONSIDER
3 TO BE A PERFORMANCE STANDARD, I'VE NOTICED, BUT IT'S NOT
4 ALWAYS AGREED THAT IT IS A PERFORMANCE STANDARD. YOU
5 REALLY GET INTO SEMANTIC GAMES SOMETIMES, BUT I THINK
6 THAT'S A GOOD POINT.

7 CHAIRMAN GALLAGHER: LET ME ASK A QUESTION
8 BEFORE WE MOVE ON BECAUSE I WASN'T CONFUSED BEFORE.
9 AFTER GINGER'S QUESTION AND YOUR ANSWER, I NOW AM
10 CONFUSED.

11 MR. EOWAN: MY ANSWER CONFUSED YOU?

12 CHAIRMAN GALLAGHER: I THINK IT WAS GINGER'S
13 QUESTION. I'M NOT REALLY SURE.

14 THERE IS NOTHING IN THE LAW THAT SAYS WE
15 MUST USE, IN POINT ONE, A PERFORMANCE STANDARD OR A
16 PRESCRIPTIVE STANDARD?

17 MR. EOWAN: NO, THERE IS ACTUALLY. I THINK
18 THERE IS AN OAL -- I DON'T KNOW IF IT'S A LAW OR
19 REGULATION OR WHATEVER -- KATHERINE CAN CORRECT ME --
20 THAT SAYS YOU HAVE TO HAVE -- YOU SHOULD HAVE PERFORMANCE
21 STANDARDS OR YOU SHOULD GO IN THAT DIRECTION, BUT THEY
22 HEAVILY FAVOR THEM.

23 CAN YOU HELP ME ON THAT ONE? THAT COMES
24 RIGHT FROM MR. CONHEIM, AND HE REVIEWS THEM FOR
25 PERFORMANCE STANDARDS. AND IF WE DO DEVIATE FROM IT, WE



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1 HAVE TO HAVE REASONS FOR IT.

2 MR. ORR: MR. EOWAN IS CORRECT. BASICALLY, IF
3 YOU GO WITH A PRESCRIPTIVE STANDARD, YOU ARE SUPPOSED TO
4 JUSTIFY WHY YOU WENT THAT WAY RATHER THAN USING A
5 PERFORMANCE STANDARD.

6 CHAIRMAN GALLAGHER: DOES THAT ANSWER WHAT YOU
7 WERE TRYING TO MAKE, JUST WHAT HE SAID? IF YOU IDENTIFY
8 WHEN IT'S GOING TO BE PRESCRIPTIVE, THEY KNOW THE
9 DIRECTION THEY'RE BEING LED.

10 MR. EOWAN: THAT'S EXACTLY RIGHT.

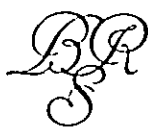
11 BOARD MEMBER BREMBERG: I DON'T THINK PEOPLE ARE
12 GETTING THAT. THEY WILL ASK AND SAY, "OH, YES," BUT IT
13 DOESN'T COME DOWN THE LINE THAT WAY CONSISTENTLY.

14 CHAIRMAN GALLAGHER: YOU'VE ANSWERED MY POINT,
15 AND THAT WAS THAT YOU GENERALLY GO FOR PERFORMANCE
16 STANDARDS, BUT NOTHING SAYS YOU CAN'T, ON OCCASIONS AND
17 IN SPECIFIC INSTANCES, GO PRESCRIPTIVE AS LONG AS YOU
18 IDENTIFY IT AND THE REASON.

19 MR. EOWAN: EXACTLY. THAT'S CORRECT.

20 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

21 MS. COLE: TO GO ON INTO PACKET 33 -- PAGE 33 OF
22 YOUR PACKET, THERE IS CURRENTLY AN ARTICLE 3 IN THE STATE
23 MINIMUM STANDARDS THAT SAYS "RESERVED," AND IT CONTAINS
24 NO REGULATIONS. AND WE ARE PROPOSING THAT THE
25 DEFINITIONS SECTION, JUST FOR RENUMBERING SEQUENCE, BE



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1 MOVED TO THAT ARTICLE. AND AT THIS TIME WE'RE NOT
2 RECOMMENDING CHANGING THE DEFINITIONS BECAUSE WE ARE
3 AWARE THAT THERE'S GOING TO BE A LOT OF DEFINITIONS THAT
4 COULD OUT AT THE END OF THIS PROCESS, AND WE'LL BE
5 DEFINING WORDS THAT NEED TO BE DEFINED AT THAT TIME.

6 PAGE 34, THE NEW ARTICLE 4, THAT WE'RE
7 PROPOSING IS SOLID WASTE STORAGE AND REMOVAL STANDARDS,
8 WHICH IS ALSO A RENUMBERING FOR MOVING DIFFERENT ARTICLES
9 AROUND. AND WE DO HAVE A COUPLE OF CHANGES THAT WE'RE
10 PROPOSING IN THIS PHASE FOR THOSE -- THAT AREA OF THE
11 STANDARDS.

12 THE FIRST ONE IS PROPOSED SECTION 17344,
13 IDENTIFICATION OF OPERATOR; AND THIS IS ONE THAT I HAVE
14 IDENTIFIED AS A LESS SUBSTANTIAL CHANGE. THE CURRENT
15 SECTIONS ARE INCONSISTENT IN THEIR OPERATOR
16 IDENTIFICATION REQUIREMENTS. ONE SECTION REQUIRES ALL
17 BINS BE IDENTIFIED WITH THE AGENT'S NAME AND TELEPHONE
18 NUMBER, AND ANOTHER SECTION REQUIRES THAT THE VEHICLES BE
19 IDENTIFIED ONLY WITH THE AGENT'S NAME.

20 SO OUR PROPOSAL IN THIS REGULATORY WORDING
21 WOULD BE TO MAKE THOSE TWO SECTIONS CONSISTENT; AND FOR
22 EMERGENCY PURPOSE NOTIFICATION, TO REQUIRE ALL BINS AND
23 VEHICLES TO BE MARKED WITH AGENT'S NAME AND PHONE NUMBER.

24 BOARD MEMBER MOSCONE: ISN'T THAT WHAT CHP
25 REQUIRES ON TRUCKS?



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1 MS. COLE: I THINK THERE IS A REQUIREMENT FOR
2 TRUCKS TO BE MARKED; AND, AS I OBSERVE IT IN THE FIELD,
3 IT LOOKS LIKE MOST OF THEM ARE ANYWAY.

4 BOARD MEMBER MOSCONE: I SEE MANY OF THEM THAT
5 ARE NOT, MARY. IT UPSETS ME SOMETIME BECAUSE, HAVING
6 GONE OVER AND READ THE LAW, I KNOW THAT'S WHAT THEY'RE
7 SUPPOSED TO DO; BUT IN SOME CASES YOU DON'T SEE IT. YOU
8 DON'T SEE THE INFORMATION THROUGH CHP THEY'RE SUPPOSED TO
9 HAVE ON VEHICLES. SO IF WE FOLLOWED THROUGH WITH
10 WHATEVER THEY REQUIRE, I GUESS THAT'S THE WAY WE SHOULD
11 GO.

12 MS. COLE: THAT IS OUR PROPOSAL. HOPEFULLY, WE
13 WON'T RUN INTO ANY PROBLEMS WITH DUPLICATING OTHER STATE
14 LAWS.

15 SO WHAT OUR PROPOSED NEW SECTION WOULD READ
16 IS THE IDENTIFICATION OF OPERATORS, SECTION 17344. IT
17 WOULD BE EACH VEHICLE USED FOR COLLECTION AND TRANSPORT
18 OF SOLID WASTES SHALL BE CLEARLY MARKED WITH A NAME AND
19 TELEPHONE NUMBER OF THE AGENCY OR FIRM OPERATING THE
20 VEHICLE.

21 TO MOVE ON INTO ARTICLE 5, THIS IS THE NEW
22 AREA THAT WE'RE PROPOSING WHICH WOULD BE APPLICABLE TO
23 ALL SOLID WASTE FACILITIES. AND THIS IS THE AREA THAT
24 WOULD TAKE ARTICLES CURRENTLY -- STANDARDS CURRENTLY
25 UNDER ARTICLE 6 AND 7, TRANSFER AND DISPOSAL SITES,

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1 CONSOLIDATE THOSE AND MAKE THEM APPLY TO ALL FACILITIES.

2 THE FIRST ONE IS PROPOSED SECTION 17401,
3 THE APPLICABILITY. AS THIS IS A NEW ARTICLE, WE NEED A
4 SECTION THAT STATES WHAT THIS ARTICLE IS APPLICABLE TO.
5 AND OUR PROPOSED WORDING IS 17401: REGULATIONS IN THIS
6 ARTICLE SHALL APPLY TO THE OPERATION OF SOLID WASTE
7 FACILITIES FOR WHICH A SOLID WASTE FACILITIES PERMIT IS
8 ISSUED PURSUANT TO GOVERNMENT CODE SECTION 66796.30 AND
9 SHALL SUPPLEMENT ADDITIONAL STANDARDS REQUIRED FOR
10 TRANSFER STATIONS AS SET FORTH IN ARTICLE 6, RESOURCE
11 RECOVERY FACILITIES AS SET FORTH IN ARTICLE 6.5, AND
12 DISPOSAL SITES AS SET FORTH IN ARTICLE 7. FACILITY
13 OPERATORS WHICH RECEIVE A SEGREGATED WASTE STREAM MAY
14 APPLY FOR A WAIVER TO INDIVIDUAL STANDARDS AS ALLOWED IN
15 GOVERNMENT CODE SECTION 66796.84.

16 BOARD MEMBER MOSCONE: WHAT IS THAT SECTION,
17 MARY? THIS IS ONE OF THE OBJECTIONS THAT I HAVE WITH
18 WRITING THIS THING. YOU GOT TO GO BACK AND LOOK UP THE
19 AUTHORITY AND -- AND THE REFERENCE, SO YOU'RE GOING BACK
20 AND FORTH ON DIFFERENT PAGES TO FIND OUT WHAT YOU ARE
21 TRYING TO FIND OUT.

22 MS. COLE: THE SECTION 66796.84 IS THE SECTION
23 OF THE GOVERNMENT CODE THAT SAYS THAT OPERATORS CAN APPLY
24 FOR WAIVERS FOR INDIVIDUAL STANDARDS IF THEY GO THROUGH A
25 CERTAIN PROCESS FOR HARDSHIP OR EXPERIMENTAL DESIGN.

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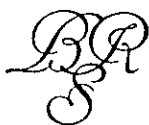
1 NOW, I HAVE HAD SOME CONTACT AND
2 DISCUSSIONS WITH VARIOUS REPRESENTATIVES THAT DO HAVE
3 MONOFILLS, WOOD WASTE OR ASH WASTE FACILITIES, AND
4 THEY'RE CONCERNED ABOUT THE APPLICABILITY OF THESE
5 STANDARDS TO THEIR FACILITIES. SO WE ARE WORKING WITH
6 THOSE PARTIES IN TRYING TO MAKE SURE THAT STANDARDS THAT
7 WOULD DEFINITELY APPLY TO THOSE FACILITIES ONLY APPLY TO
8 THOSE FACILITIES. SO WE'RE STILL GOING TO BE WORKING ON
9 THIS APPLICABILITY STATEMENT TO FURTHER REFINE WHO IS
10 APPLICABLE TO THESE STANDARDS.

11 MR. IWAHIRO: MR. CHAIRMAN, I'D JUST LIKE TO
12 HIGHLIGHT THE FACT THAT WE HAVE HAD CONTACT WITH THE
13 LUMBER INDUSTRY BECAUSE THEY'RE VERY CONCERNED ABOUT WOOD
14 WASTE DISPOSAL SITES, WHICH ARE BASICALLY MONOFILLS, WOOD
15 WASTE AND SO ON. ONE OF THE THINGS WE ARE DOING IS
16 WORKING WITH THAT INDUSTRY TO SEE, YOU KNOW, HOW
17 APPLICABLE ALL THESE STANDARDS ARE. I JUST WANTED TO
18 HIGHLIGHT THAT FOR LATER ON WHEN WE START DELVING INTO
19 THE PARTICULAR STANDARDS.

20 CHAIRMAN GALLAGHER: THANK YOU, MR. IWAHIRO.

21 MS. COLE: ONE OF OUR PROPOSALS IS TO TAKE CARE
22 OF THAT CONCERN IS TO MAYBE COME BACK AND RECOMMEND
23 PROPOSED LANGUAGE THAT WOULD ONLY BE APPLICABLE TO THOSE
24 MONOFILL-TYPE OF FACILITIES, BUT WE ARE WORKING WITH THEM
25 IN THE MEANTIME.

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1 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: MS. BREMBERG.

3 BOARD MEMBER BREMBERG: MARY, I'M SORRY. WOULD
4 YOU GO BACK TO PAGE 34 ON THE CLEARLY MARKED WITH NAME
5 AND TELEPHONE NUMBER OF THE AGENCY OR FIRM. IS THAT AN
6 EMERGENCY NUMBER OR JUST THE REGULAR OFFICE NUMBER?

7 BECAUSE REGULAR OFFICES DON'T ANSWER AFTER
8 5 O'CLOCK. IF THERE IS A NEED, AS I WAS TELLING MR.
9 BEAUTROW, ABOUT A MONTH AND A HALF AGO I GOT A TELEPHONE
10 CALL AT 2 O'CLOCK IN THE MORNING. AN ILLEGALLY OPERATING
11 WASTE DISPOSAL FIRM WAS GATHERING IN AT 2 O'CLOCK IN THE
12 MORNING, AND THERE WAS NO TELEPHONE NUMBER THAT ANSWERED.

13 IS THERE --

14 MS. COLE: WE SHOULD LOOK INTO THAT AND SEE IF
15 EMERGENCY NUMBERS ARE THE ONES -- THAT WOULD SEEM LOGICAL.
16 THAT'S THE WHOLE INTENT OF THE STANDARD.

17 BOARD MEMBER BREMBERG: WELL, IT MAY BE THE
18 INTENT OF THE STANDARD, BUT NOT NECESSARILY THE INTENT OF
19 THE OPERATOR.

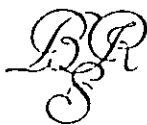
20 MS. COLE: I'LL LOOK INTO THAT, MRS. BREMBERG.

21 BOARD MEMBER VARNER: MAY I ASK?

22 CHAIRMAN GALLAGHER: MR. VARNER.

23 BOARD MEMBER VARNER: GINGER, ARE YOU SUGGESTING
24 THAT EVERY OPERATOR OUGHT TO HAVE A 24-HOUR NUMBER?

25 BOARD MEMBER BREMBERG: NO. NO, NOT AT ALL.



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1 WHAT I'M SUGGESTING IS THAT A NUMBER THAT CAN BE REACHED
2 IN CASE OF AN EMERGENCY, EITHER BY THE POLICE, THE
3 HIGHWAY PATROL, OR SOMETHING WHERE THEY COULD GET AHOLD
4 OF SOMEBODY IF THERE WERE AN EMERGENCY WITH A REFUSE
5 COLLECTION TRUCK. DON'T YOU THINK THAT WOULD BE
6 REASONABLE?

7 BOARD MEMBER VARNER: DURING THE HOURS THAT THEY
8 WOULD OPERATE?

9 BOARD MEMBER BREMBERG: YEAH.

10 BOARD MEMBER VARNER: OKAY. BUT IF THIS TRUCK
11 WAS OPERATING ILLEGALLY --

12 BOARD MEMBER BREMBERG: BY OUR STANDARDS, BUT
13 OUR CITY. WE DON'T ALLOW THEM TO COME IN PRIOR TO SEVEN
14 IN THE MORNING. BUT THERE WAS ABSOLUTELY NO WAY ANYBODY
15 COULD GET AHOLD OF ANYBODY IN THE COMPANY TO TELL THEM TO
16 SHUT DOWN.

17 BOARD MEMBER VARNER: WHY COULDN'T YOU GET AHOLD
18 OF THEM DURING THE DAY TO TELL THEM?

19 BOARD MEMBER BREMBERG: WELL, WE DO. THEY HAVE
20 WRITTEN INSTRUCTIONS FROM US, BUT IF SOME OF THE DRIVERS
21 ARE VIOLATING IT, WE'D LIKE TO HAVE A WAY TO GET BACK AT
22 THEM AND GET THEM OUT OF TOWN.

23 BOARD MEMBER VARNER: WHAT I CAN'T UNDERSTAND IS
24 WHY YOU WOULD HAVE TO GET AHOLD OF THEM AT 2 O'CLOCK IN
25 THE MORNING.



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1 BOARD MEMBER BREMBERG: BECAUSE THAT'S WHEN THEY
2 WERE OPERATING.

3 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

4 CHAIRMAN GALLAGHER: MR. MOSCONE.

5 BOARD MEMBER MOSCONE: I HAVE HAD THAT
6 EXPERIENCE, SKEET, MORE THAN ONCE. WHETHER IT BE IN THE
7 OPERATION BECAUSE, YOU KNOW, IN SAN FRANCISCO WE'VE GOT
8 ALMOST A 24-HOUR DEAL. OF COURSE, THERE'S NOBODY IN THE
9 OFFICE. I MEAN, THE OFFICE HELP COMES IN AT 8:00 AND
10 THEY LEAVE AT 4:30 OR 5:00, BUT THE POLICE DEPARTMENT AND
11 EVERYBODY, THE FIRE DEPARTMENT, EVERYBODY ELSE, AT MY
12 NUMBER AND SOME OTHER NUMBERS IN CASE OF EMERGENCIES OF
13 SOME KIND, WHETHER IT BE A FIRE OR WHATEVER TO THE
14 BUILDING OR WHETHER IT WOULD BE ONE OF THE TRUCKS ON THE
15 HIGHWAYS OR THE STREETS OR WHATEVER IT MIGHT BE, SO WE
16 ARE, YOU MIGHT SAY, ON 24-HOUR CALL. IN SOME AREAS IT
17 MAY NOT BE NECESSARY. IN SMALLER TOWNS IT MAY NOT BE
18 NECESSARY, BUT IN OUR CASE I THINK IT WAS.

19 BOARD MEMBER VARNER: MY POINT IS THIS, THOUGH:
20 IF YOU ARE GOING TO MAKE THAT A STATE REGULATION, THEN IT
21 WOULD APPLY TO EVERYBODY. SO, THEREFORE, YOU WOULD, IN
22 EFFECT, HAVE TO HAVE A 24-HOUR NUMBER ON ANY FACILITY
23 THAT YOU WOULD HAVE OUT, WHETHER YOU OPERATED 24 HOURS A
24 DAY OR NOT. THAT'S THE PROBLEM WITH THESE STATE MANDATED
25 RULES.

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1 BOARD MEMBER MOSCONE: I THINK IT SHOULD BE
2 WRITTEN SO THAT IT WOULD AFFECT WHOEVER WOULD APPLY TO
3 THAT RULE, WHOEVER COMES UNDER THAT RULE, LIKE WE WHO HAD
4 A 24-HOUR OPERATION OR WHATEVER.

5 CHAIRMAN GALLAGHER: IF YOU WERE JUST ADDING THE
6 WORDING, WOULD "DURING HOURS OF OPERATION," HAVE ANY
7 IMPACT? TELEPHONE NUMBERS THAT COULD BE REACHED DURING
8 HOURS OF OPERATION?

9 MS. COLE: WE CAN ADD THAT.

10 CHAIRMAN GALLAGHER: I DON'T KNOW IF THAT CLEARS
11 IT UP OR NOT.

12 BOARD MEMBER MOSCONE: I THINK IT WOULD HELP,
13 CERTAINLY.

14 CHAIRMAN GALLAGHER: THANK YOU, MARY, GO AHEAD.

15 MS. COLE: TO GO ON TO PAGE 36, THE PROPOSED
16 SECTION 17402, PROPERTY BOUNDARIES. NOW, WHILE THIS IS A
17 NEW TEXT -- NEW PROPOSED TEXT, THERE CURRENTLY IS NO
18 REGULATION THAT IDENTIFIES THIS REQUIREMENT, BUT WE'RE
19 HAVING PROBLEMS IN SOME OF OUR DEFINITIONS OF WHAT IS A
20 PROPERTY BOUNDARY.

21 SO OUR PROPOSAL IS TO PUT THIS IN, AND
22 MAYBE IT SHOULD BE IN A DEFINITION INSTEAD OF THIS ACTUAL
23 SECTION, BUT WE'VE INCLUDED IT IN THIS SECTION TO BEGIN
24 WITH. AND IT MERELY STATES WHAT WE WOULD CONSIDER THE
25 PROPERTY BOUNDARIES TO BE OF A FACILITY. ALL THE AREAS



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1 THAT WOULD BE USED FOR DISPOSAL HANDLING OR WASTE
2 UNLOADING OR PARKING OF TRANSFER VEHICLES WOULD BE
3 INCLUDED AS PART OF THE FACILITY.

4 THE NEXT SECTION IS 17403, WASTE LOAD
5 SCREENING. NOW, THIS IS A SUBSTANTIAL CHANGE. WE
6 CURRENTLY HAVE NO TEXT REQUIRING THIS EXPLICITLY, AND THE
7 PROPOSED CHANGES TO SUBTITLE D, RCRA, WILL REQUIRE ALL
8 SOLID WASTE FACILITIES THAT ACCEPT MUNICIPAL SOLID WASTE
9 TO DO WASTE LOADING SCREENING CHECKS.

10 OUR PROPOSAL IS SINCE THE POSSIBILITY IS
11 ANY FACILITY THAT TAKES WASTE WILL RECEIVE WASTES THAT
12 THEY ARE NOT INTENDED TO RECEIVE, THEY DO WASTE LOAD
13 SCREENING AT ALL FACILITIES. THEREFORE, WE HAVE PUT INTO
14 THE SECTION THAT WOULD BE APPLICABLE TO ALL SOLID WASTE
15 FACILITIES. AND THE REQUIREMENTS WOULD BE THAT THEY
16 IDENTIFY WASTE LOAD SCREENING STAFF. THE STAFF TRAINING
17 PROGRAM WILL BE IMPLEMENTED SO THAT THEY CAN IDENTIFY
18 HAZARDOUS AND/OR UNAUTHORIZED WASTES.

19 THEY WILL IDENTIFY LOADS WHICH WILL BE
20 SCREENED, BOTH RANDOMLY AND SUSPICIOUS LOADS. THERE
21 SHOULD BE A DISCUSSION OF HOW AND WHEN SCREENING WILL BE
22 CONDUCTED. THERE SHOULD BE A DISCUSSION OF STEPS TO BE
23 TAKEN TO NOTIFY PROPER AUTHORITIES AND DISCHARGERS AND
24 PROPER WASTE CONTAINMENT AND REMOVAL OF SUCH WASTES ARE
25 IDENTIFIED, AND THERE IS A RECORDKEEPING REQUIREMENT IN

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1 THE PROPOSED WASTE LOAD SCREENING THAT WE HAVE INCLUDED
2 IN THIS SECTION.

3 TO GO ON TO PROPOSED SECTION SECTION 17404,
4 OPERATOR AND OWNER, THIS IS WHAT I'D CONSIDER A
5 NONCHANGE. CURRENT REGULATIONS IDENTIFY LANDFILL OWNER
6 AN OPERATOR RESPONSIBILITIES, BUT DO NOT IDENTIFY SIMILAR
7 RESPONSIBILITIES FOR OTHER SOLID WASTE FACILITIES. AND
8 WE ARE PROPOSING THIS SECTION BE INCLUDED AND BE REQUIRED
9 FOR ALL SOLID WASTE FACILITIES AND THAT OWNERS AND
10 OPERATORS WOULD BE RESPONSIBLE FOR COMPLIANCE, WHETHER
11 THEY ARE OPERATING LANDFILLS OR TRANSFER STATIONS OR
12 COMPOSTING FACILITIES OR WHATEVER THE CASE MAY BE.

13 THE PROPOSED SECTION 17405, CHANGE IN
14 OWNERSHIP, IS A LESSER CHANGE THAN CURRENTLY EXISTS. THE
15 CURRENT DISPOSAL SITE REGULATIONS REQUIRE THAT WHEN TITLE
16 TO A DISPOSAL SITE IS TRANSFERRED, THAT THE NEW OWNER BE
17 NOTIFIED BY THE PREVIOUS OWNER OF EXISTENCE OF THE
18 STANDARDS AND CONDITIONS ASSIGNED TO ASSURE COMPLIANCE.

19 WE FEEL THAT THIS ALSO SHOULD BE APPLICABLE
20 TO ALL SOLID WASTE FACILITIES; AND, THEREFORE, WE'VE
21 INCLUDED IT INTO THIS NEW ARTICLE. AND WE'VE ADDED A
22 PORTION ONTO THE END THAT SAYS, "EXISTING OWNER WILL
23 NOTIFY THE ENFORCEMENT AGENCY IN WRITING OF THE PROPOSED
24 CHANGE." THE CURRENT TEXT DOES NOT REQUIRE THAT
25 NOTIFICATION TO BE IN WRITING.



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1 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: MR. MOSCONE.

3 BOARD MEMBER MOSCONE: WHO NOTIFIES OUR BOARD OF
4 THE CHANGE?

5 MS. COLE: THE LOCAL ENFORCEMENT AGENCY WOULD BE
6 NOTIFYING OUR BOARD.

7 BOARD MEMBER MOSCONE: SHOULD THAT BE INCLUDED
8 IN THIS?

9 MS. COLE: WE CAN INCLUDE THAT.

10 CHAIRMAN GALLAGHER: THANK YOU. I'M WONDERING,
11 MAY NOT NOW BE A GOOD TIME TO STOP FOR A BREAK, BETH?
12 THANK YOU. WE'RE GOING TO TAKE A TEN-MINUTE RECESS, AND
13 WE'LL RECONVENE AGAIN AT 20 MINUTES TO ELEVEN.

14 (RECESS TAKEN.)

15 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
16 ORDER, PLEASE. PLEASE PROCEED, MARY.

17 MS. COLE: TO CONTINUE ON, OUR NEXT PROPOSED
18 SECTION IS 17406, DESIGN QUALIFICATIONS. THERE'S
19 CURRENTLY THREE SECTIONS UNDER CURRENT REGULATIONS THAT
20 DISCUSS DESIGN QUALIFICATIONS FOR TRANSFER STATIONS AND
21 DISPOSAL SITES, AND OUR PROPOSAL IS TO CONSOLIDATE THESE
22 THREE SECTIONS INTO ONE. WE DO RECOGNIZE, HOWEVER, THAT
23 THERE ARE SOME WORDS IN THE CURRENT TEXT THAT NEED TO BE
24 FURTHER DEFINED, SUCH AS PERSONS COMPETENT AND RELATED
25 DISCIPLINES OF PEOPLE THAT ARE DESIGNING FACILITIES. AND

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1 WE WILL BE WORKING FURTHER TO ADDRESS THOSE DEFINITIONS.

2 BUT CURRENTLY THE PROPOSAL IS BASICALLY
3 JUST TO COMBINE IT ALL INTO ONE STANDARD.

4 REPORT OF FACILITY INFORMATION, PROPOSED
5 SECTION 17407, THE CURRENT REGULATIONS --

6 BOARD MEMBER BEAUTROW: EXCUSE ME, I'VE GOT A
7 QUESTION.

8 ON PAGE 40, SECTION 17406, WHICH IS NEW,
9 THAT'S ALL FINE, BUT WHAT DO YOU MEAN IN THE VERY LAST
10 SENTENCE THERE "THE DESIGN SHALL BE INCLUDED IN THE
11 REPORT OF FACILITY INFORMATION"? YOU MEAN ALL OF THE
12 PLANS AND SPECIFICATIONS, OR DOES THE CONCEPTS --- IN
13 OTHER WORDS, THAT WORD "DESIGN" THERE COULD MEAN
14 ANYTHING.

15 MS. COLE: THE INTENT OF THAT WAS ALL
16 CONSIDERATIONS TAKEN INTO THE DESIGN OF THAT FACILITY
17 WILL BE ADDRESSED IN THE REPORT, BUT THAT ALREADY IS A
18 REQUIREMENT. SO MAYBE IF THAT IS CONFUSING, WE COULD
19 DROP THAT OUT.

20 BOARD MEMBER BEAUTROW: ALL OF THE CRITERIA USED
21 IN THE DESIGN BECAUSE I DON'T THINK YOU REALLY WANT ALL
22 THE PLANS, YOU KNOW, THE REAL NITTY-GRITTY CONSTRUCTION
23 DRAWINGS AND STUFF LIKE THAT, BUT RATHER WHAT YOU'RE MORE
24 INTERESTED IN IS WHAT CONSIDERATIONS WERE USED IN MAKING
25 THAT DESIGN, YOU KNOW, THE DESIGN CRITERIA OR WHATEVER.



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1 IT'S JUST A SUGGESTION.

2 MS. COLE: OKAY. THE CURRENT REGULATIONS
3 REGARDING REPORT OF FACILITY INFORMATION ARE CONTAINED IN
4 CHAPTER 3, WHICH ARE THE MINIMUM STANDARDS. OUR OPINION
5 IS THAT THAT SHOULD BE TAKEN OUT OF CHAPTER 3 AND PLACED
6 INTO CHAPTER 5, WHICH ADDRESSES SOLID WASTE FACILITY
7 PERMIT APPLICATIONS IN THAT PROCESS.

8 SO THIS PROPOSAL DOES GO ALONG WITH THAT
9 VIEWPOINT; HOWEVER, WE DO FEEL THAT CHAPTER 3 SHOULD
10 CONTAIN A REQUIREMENT OF FILING THE REPORT, IN KEEPING
11 THE REPORT UP TO DATE. SO WE ARE MAKING THAT A PROPOSED
12 SECTION THAT WE'RE GOING TO BE REPLACING THE CURRENT
13 SECTION IN CHAPTER 5.

14 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

15 CHAIRMAN GALLAGHER: MS. BREMBERG.

16 BOARD MEMBER BREMBERG: CARRYING ON FROM MY
17 NAGGING YESTERDAY, UNDER E ON PAGE 43, PROPOSED REVISED
18 LANGUAGE, SHOULDN'T IT BE OWNER/OPERATOR SO THAT THERE'S
19 A DUAL RESPONSIBILITY AND ACCEPTANCE OF THAT
20 RESPONSIBILITY?

21 MR. ORR: YOU'VE TOUCHED ON A HOT ISSUE HERE.

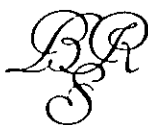
22 BOARD MEMBER BREMBERG: I FIGURED I PROBABLY HAD
23 BY THE WAY YOU LOOKED.

24 MR. ORR: WE'VE BEEN CARRYING ON, NOT TOTALLY IN
25 THE CONTEXT OF REGULATIONS, BUT HERE AT THE STAFF WE HAVE

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1 BEEN DISCUSSING THE RELATIONSHIP BETWEEN THE OWNER AND
2 THE OPERATOR. AND WHEN IT'S RESOLVED THAT THE
3 RELATIONSHIP BETWEEN THE RESPONSIBILITIES FOR THE OWNER
4 AND OPERATOR SHOULD BE CLEAR, PRIMARILY THE OPERATOR WHO
5 GETS THE PERMIT.

6 WE DISCUSSED EARLIER THE ONE SECTION THAT
7 SORT OF TALKS ABOUT JOINT RESPONSIBILITIES, AND THERE
8 WILL BE FURTHER ELUCIDATION OF THE RELATIONSHIP BETWEEN
9 THE OWNER AND THE OPERATOR, EITHER BY DEFINITION OR IN
10 THE ACTUAL TEXT.

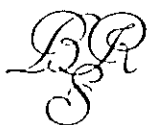
11 MY INCLINATION IS TO HAVE IT REFERRED TO
12 THE OPERATOR ALONE AND THEN DEAL WITH THE OWNER'S
13 RESPONSIBILITY SO THAT THEY KNOW WHAT THEY ARE, BUT
14 PRIMARILY THE PERMITS ARE ISSUED TO THE OPERATOR. AND SO
15 AS BEING THE OPERATOR, IF THEY DON'T HAVE THE ABILITY --
16 THAT DOESN'T REMOVE LIABILITY FROM THE OWNER, BUT THE
17 RESPONSIBILITY PRIMARILY LIES WITH THE OPERATOR. SO I
18 WOULD LIKE FOR IT TO PRETTY MUCH BE OPERATOR AND THEN --

19 BOARD MEMBER BREMBERG: WHAT'S WRONG WITH AND/OR
20 OR A SLASH? THE REASON I SAY THAT, THERE'S SO MANY
21 COMBINATIONS. YOU CAN HAVE THE OWNER IS THE OPERATOR,
22 YOU CAN HAVE A COUNTY OWNED AND CONTRACT WITH A PRIVATE
23 OPERATOR, YOU CAN HAVE A CITY OWNED AND CONTRACT WITH A
24 COUNTY OPERATOR. THE NUMBER OF IMPONDERABLES, IF YOU
25 WILL, IN A DEFINITION, YOU OUGHT TO LEAVE ENOUGH ROOM FOR

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1 FLEXIBILITY BECAUSE I SUSPECT THAT IN EACH OF THE
2 COUNTIES AND IN 25 PERCENT OF THE CITIES YOU ARE GOING TO
3 HAVE A DIFFERENT ARRANGEMENT. AND I THINK YOU'VE GOT TO
4 HAVE AN UMBRELLA THAT IS NOT TOO BIG, BUT BIG ENOUGH TO
5 INCLUDE ALL OF THE RAMIFICATIONS OF ALL OF THOSE
6 DIFFERENT KINDS OF CONTRACTS AND SYSTEMS.

7 AND THIS -- MAYBE IT'S JUST ME; BUT WHEN I
8 HEAR OPERATOR, OKAY, WE CAN ALL WALK AWAY. IN GLENDALE
9 WE OWN IT, BUT L.A. COUNTY SAN DISTRICT OPERATES IT FOR
10 US, SO IT'S NOT OUR JOB, BUT BY LAW IT IS.

11 MR. ORR: I THINK THAT WE NEED TO TAKE CARE OF
12 ALL THOSE SPECIAL SITUATIONS THAT YOU DESCRIBE, AND I
13 THINK THAT THE MAIN THING THAT WE NEED TO KNOW IS WHO TO
14 GO TO WHEN SOMETHING ARISES IN TERMS OF EITHER A PERMIT
15 OR -- FOR EXAMPLE, THERE ARE A LOT OF COMPLEX LEASE
16 AGREEMENTS WHERE A CERTAIN ASPECT OF THE FACILITY MAY BE
17 RETAINED BY THE OWNER OF THE PROPERTY; WHEREAS, THE
18 MAJORITY OF THE OPERATION WOULD BE THE RESPONSIBILITY OF
19 THE OPERATOR.

20 AND A LOT OF THOSE THINGS WOULD REQUIRE A
21 PROVISION-BY-PROVISION EXAMINATION WHEN, SAY, THE PERMIT
22 WAS WRITTEN. I THINK THAT WHAT WE WANT TO DO IS KNOW WHO
23 TO HOLD RESPONSIBLE FOR AND THAT THAT BE CLEAR. AND WE'LL
24 WORK FURTHER ON THAT ISSUE.

25 BOARD MEMBER BREMBERG: I THINK WE'RE KIND OF

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1 CUTTING OFF PART OF WHAT YOU JUST SAID BY RESTRICTING IT
2 JUST TO OPERATOR. YOU KNOW, CONVINCE ME I'M WRONG. I'M
3 WILLING TO BE CONVINCED. BUT IT JUST SEEMS TO ME WITH
4 THE NUMBER OF CONVOLUTED TYPES OF THINGS, IT OUGHT TO BE
5 FLEXIBLE ENOUGH SO THAT YOU DON'T HAVE TO REWRITE A
6 SPECIFIC REGULATION FOR A SPECIFIC STRANGE OR PECULIAR
7 ISSUE.

8 WHAT'S WRONG WITH OWNER AND/OR OPERATOR OR
9 SLASH OPERATOR?

10 MR. ORR: I DON'T SEE A PROBLEM WITH IT. THE
11 ONLY THING I WOULD SAY IS IF YOU ARE THE OPERATOR AND A
12 PROBLEM COMES UP, YOU MIGHT SAY THAT THE OWNER SHOULD
13 TAKE CARE OF THAT AND VICE VERSA --

14 ATTORNEY CONHEIM: MR. GALLAGHER, MRS. BREMBERG,
15 I THINK THERE ARE SIGNIFICANT LEGAL PROBLEMS IN DOING
16 THAT. WE WILL LOOK INTO IT. AS A THRESHOLD MATTER, I
17 DON'T WANT TO MISLEAD YOU AND TELL YOU THAT I DON'T THINK
18 THERE'S A PROBLEM WITH IT. OWNERS AND OPERATORS ARE VERY
19 DIFFERENT ANIMALS. THEY HAVE VERY, VERY DIFFERENT
20 RELATIONSHIPS TO THE LAND, AS WELL AS THE OPERATIONAL
21 ASPECTS.

22 THEY HAVE TRADITIONALLY NEVER BEEN LINKED
23 TOGETHER. AND WE WILL LOOK INTO IT. WE'RE NOT AVERSE TO
24 DOING THAT. I JUST WANT TO TELL YOU UP FRONT THAT I
25 THINK THAT'S A SIGNIFICANT PROBLEM THAT WE'RE HEADED

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1 TOWARDS, AND I WANT TO LEAVE IT AT THAT FOR RIGHT NOW.

2 BUT THE TRADITIONAL WAY OF LOOKING AT THIS
3 THING HAS BEEN TO IDENTIFY AND DEFINE THEM SEPARATELY, TO
4 DEAL WITH THEIR RESPECTIVE LIABILITIES WITH THE LEGAL
5 MEANS THAT ARE AVAILABLE TO ANY TWO PARTIES THAT HAVE
6 CONTRACTUAL OR OTHER BUSINESS RELATIONSHIPS. AND I'M NOT
7 BEING PIGHEADED ABOUT THIS, MRS. BREMBERG, BUT I JUST
8 WANT TO STATE FROM THE START THAT, AS WE DEVELOP THIS,
9 I'M A LITTLE DOUBTFUL THAT THAT CAN BE DONE IN THE MANNER
10 THAT YOU ARE SUGGESTING. I THINK WE MUST WORK OUT THE
11 PROBLEMS YOU ARE TALKING ABOUT.

12 BOARD MEMBER BREMBERG: I WAS GOING TO SAY WHERE
13 IN HERE YOU EVER HAVE ANY REGULATIONS OR LISTING A
14 RESPONSIBILITY FOR OWNERS. AS I READ THIS SEVERAL TIMES,
15 I FIND NO PLACE THAT SAYS, "THESE ARE THE OWNER'S
16 RESPONSIBILITIES," WHICH IS WHY I NAGGED ON THIS
17 PARTICULAR POINT.

18 ATTORNEY CONHEIM: AND I THINK WE CAN DO THAT.
19 I THINK THAT'S A DEFICIT IN THE PACKAGE AS IT HAS COME TO
20 YOU NOW, AND WE WILL DEAL WITH THAT, AND WE WILL DEAL
21 WITH YOUR REQUEST AND SUGGESTION, BUT I DIDN'T WANT TO
22 MISLEAD YOU INTO THINKING THAT THAT WAS JUST AN EASY
23 THING TO DO BY A QUICK TURN OF THE PHRASE.

24 BOARD MEMBER BREMBERG: THE ONLY REASON I
25 BROUGHT IT UP IS THAT THERE IS NO PLACE FOR OWNER'S

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1 RESPONSIBILITY THAT I READ. MAYBE THEY'RE SOMEPLACE ELSE
2 THAT I JUST HAVE NEVER SEEN.

3 CHAIRMAN GALLAGHER: THANK YOU, MR. CONHEIM.

4 MS. COLE: THE NEXT SECTION IS PROPOSED SECTION
5 17410, WEIGHT/VOLUME RECORDS. CURRENT REGULATIONS
6 REQUIRE THAT FACILITY OPERATORS MAINTAIN RECORDS OF
7 WEIGHTS AND VOLUMES IN A MANNER -- IN A FORM APPROVED BY
8 THE LEA. AND ONLY A FEW FACILITIES CURRENTLY HAVE
9 SCALES.

10 OUR REVIEW OF INSPECTION REPORTS AND
11 DISCUSSIONS WITH INSPECTORS, BOTH LOCAL ENFORCEMENT
12 AGENCY AND OUR OWN STAFF, IT'S APPARENT THAT FACILITY
13 OPERATORS ARE CALCULATING THEIR TONNAGE DIFFERENTLY THAN
14 THE METHOD USED BY OUR STAFF. AND WHAT OUR PROPOSAL IS
15 TO CONSOLIDATE THE TWO REGULATIONS THAT'S CURRENTLY IN
16 TRANSFER STATION AND DISPOSAL SITE, BUT, ALSO, TO INCLUDE
17 A REQUIREMENT THAT THE OPERATORS INCLUDE THE CALCULATIONS
18 USED TO CONVERT VOLUMES TO WEIGHTS IN THEIR REPORT OF
19 FACILITY INFORMATION. SO THAT FOR THERE ON OUT, WE CAN
20 ALL USE THE SAME CALCULATIONS AND SPEAKING THE SAME
21 LANGUAGE.

22 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

23 CHAIRMAN GALLAGHER: MS. BREMBERG.

24 BOARD MEMBER BREMBERG: THE MEETING YESTERDAY,
25 THE GENTLEMAN FROM THE BOARD OF EQUALIZATION SAID THAT



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1 VOLUME INFORMATION WOULD NOT BE ACCEPTABLE. AND THEY ARE
2 ARBITRARILY, UNDER 2448, PICKING A NUMBER, AND THEY WOULD
3 REQUIRE SCALES. ISN'T THAT WHAT HE SAID?

4 MR. IWAHIRO: I THINK THAT THEY WOULD PREFER
5 SCALES, BUT THEY WERE GOING TO HAVE THE CONVERSION DONE
6 BY THE OPERATOR IF THEY WERE GOING -- IF THEY WANTED TO
7 TRY AND REPORT IN CUBIC YARDS, THEY WOULD HAVE THE
8 OPERATOR CONVERT IT INTO TONS. AND THEY HAD A PREFERENCE
9 FOR SCALES, BUT I DON'T THINK THEY CAME RIGHT OUT AND
10 SAID THAT YOU MUST HAVE SCALES, YOU KNOW.

11 CHAIRMAN GALLAGHER: I HAVE TO COMMENT TO THE
12 EXTENT THAT THAT IS GOING TO BE A RED HOT ISSUE, AND IT
13 WILL TAKE -- IT WILL TAKE SOME KIND OF LEGISLATIVE
14 CLARIFICATION AS TO WHETHER OR NOT SCALES ARE GOING TO BE
15 REQUIRED. AND SO THERE'S GOT TO BE A DEFINITION OF HOW
16 IN THE HELL YOU CAN SING OUT OF THE SAME HYMNAL IN TAKING
17 CUBIC VOLUME AND CONVERTING IT TO WEIGHT.

18 MR. EOWAN: YEAH. THAT IS DEFINITELY A
19 DIFFICULT THING TO DO. I THINK -- I JUST WALKED IN, SO I
20 MAY BE REPEATING SOMETHING. THE LETTER HE SENT OUT SAID
21 ESSENTIALLY, "WE ASSUME THAT YOU HAVE SCALES, AND YOU ARE
22 GOING TO BE CHARGED ACCORDINGLY UNLESS YOU TELL US
23 DIFFERENTLY." AND HE SAID HE HAD RECEIVED 191 RESPONSES
24 FROM THAT LETTER, MANY OF WHICH SAID, "WE DON'T HAVE
25 SCALES, AND WE WOULD LIKE ANOTHER WAY OF DETERMINING HOW



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1 MUCH."

2 BOARD MEMBER BREMBERG: DIDN'T SEEM TERRIBLY
3 AGREEABLE TO ACCEPTING ANOTHER WAY.

4 MR. IWAHIRO: I THINK THAT INFERENCE IS THERE
5 BECAUSE HE DID STATE THAT HE THOUGHT THE BOARD OF
6 EQUALIZATION MEMBERS THEMSELVES, THEY WERE LEANING
7 TOWARDS, IF NOT ESPOUSING, THE FACT THAT EVERYONE NEEDED
8 SCALES. BUT THAT HE HAD GOTTEN A ONE-YEAR REPRIEVE, I
9 THINK, FOR THIS COMING YEAR, THAT THEY WOULD ACCEPT
10 VOLUMES, BUT A LOT HAVE CONVERTED TO WEIGHT; BUT THEN
11 AFTER THAT, THEY MAY CONSIDER, THROUGH REGULATION,
12 REQUIREMENT FOR SCALES, AND THAT THE BOARD MEMBERS,
13 THEMSELVES, WERE LEANING TOWARDS THAT DIRECTION.

14 BOARD MEMBER BREMBERG: MAYBE OURS, THEN, WOULD
15 BE REVISED. IF WE ENACT THIS, THEN OURS WOULD HAVE TO BE
16 REVISED IF THE BOARD OF EQUALIZATION CHANGES THEIRS.

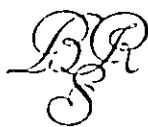
17 CHAIRMAN GALLAGHER: WELL, IF YOU CAN BE ALL
18 WISE AND COME UP WITH A DEFINITION THAT EVERYBODY WILL
19 ACCEPT, GOOD LUCK.

20 BOARD MEMBER BREMBERG: I'LL PUT YOU IN THE
21 SMITHSONIAN INSTITUTION IF YOU CAN DO THAT.

22 CHAIRMAN GALLAGHER: IT'S A MIGHTY TOUCHY ONE.
23 GO AHEAD, MARY, PLEASE.

24 MS. COLE: THE NEXT PROPOSED SECTION IS 17411,
25 SPECIAL OCCURRENCES. IT'S ONE I'VE IDENTIFIED AS A

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1 LESSER CHANGE. THE CURRENT REGULATIONS REQUIRE FACILITY
2 OPERATORS OF LARGE VOLUME TRANSFER STATIONS AND LANDFILLS
3 TO MAINTAIN LOGS OF SPECIAL OCCURRENCES, BUT IT DOESN'T
4 REQUIRE WHAT THE SPECIFIC INFORMATION IS REQUIRED TO BE
5 ENTERED INTO THE LOG.

6 OUR PROPOSAL IS THAT, AS THERE IS A
7 POTENTIAL FOR ALL SOLID WASTE FACILITIES TO HAVE A
8 SPECIAL OCCURRENCE, THAT THIS WOULD BE APPLICABLE TO ALL
9 FACILITIES, AND THAT WE WOULD ALSO IDENTIFY THE AREAS
10 THAT NEED TO BE REPORTED IN THE LOG OF SPECIAL
11 OCCURRENCES; SUCH AS, ALL ENTRIES SHOULD SPECIFY WHAT
12 ACTIONS WERE TAKEN TO REMEDY THE SITUATION AND TO ASSURE
13 THE SITUATION WILL NOT ARISE AGAIN IN THE FUTURE IF THEY
14 HAVE THE OPPORTUNITY TO CONTROL THAT SITUATION.

15 THE NEXT CHANGE IS PROPOSED SECTION 17412,
16 ANNUAL REPORT. IT IS WHAT I CONSIDER A CONSOLIDATION OF
17 CURRENT REQUIREMENTS.

18 THE CURRENT REGULATIONS REQUIRE THAT
19 DISPOSAL SITE OPERATORS FILE AN ANNUAL REPORT, REPORTING
20 ESTIMATES OF WEIGHTS AND VOLUMES HANDLED DURING THE
21 PREVIOUS YEAR AND LISTING ALL SPECIAL OCCURRENCES WHICH
22 TOOK PLACE.

23 THE REQUIREMENT SHOULD BE APPLICABLE TO ALL
24 FACILITIES, AND I THINK WE SHOULD DEFINE WHAT "HANDLED"
25 IS. SO THAT IS THE GIST OF OUR PROPOSAL IN THAT



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1 "HANDLED" WOULD BE IDENTIFIED AS -- THE REPORT SHALL
2 IDENTIFY THE FINAL -- ALL WASTES THAT WERE RECEIVED,
3 DISPOSED OF, AND/OR RECYCLED DURING THE PREVIOUS YEAR.
4 AND THE ANNUAL REPORTING WOULD THEN BE APPLICABLE TO ALL
5 FACILITIES, NOT JUST LANDFILLS.

6 THE NEXT SECTION, PROPOSED SECTION 17413,
7 INSPECTION OF RECORDS, THIS IS MERELY A CONSOLIDATION OF
8 CURRENT REGULATIONS THAT ARE REPEATED UNDER TRANSFER AND
9 DISPOSAL SITES. AND THE WORDING IS PRACTICALLY
10 IDENTICAL. IT WOULD JUST NOW BE APPLICABLE TO ALL SOLID
11 WASTE FACILITIES.

12 NEXT SECTION IS 17420, AVAILABILITY. IT'S
13 A NONCHANGE, AND CURRENT REGULATIONS RELY HEAVILY ON THE
14 USE OF ADEQUATE AND QUALIFIED PERSONS WHEN DISCUSSING
15 PERSONNEL AVAILABILITY AND TRAINING. AND WE'RE TRYING TO
16 DEFINE WHAT ADEQUATE NUMBERS AND QUALIFIED PEOPLE WOULD
17 BE.

18 OUR RECOMMENDATION IS TO COMBINE THIS INTO
19 ONE STANDARD AND TO REQUIRE THAT THE OPERATOR IDENTIFY
20 THE NUMBERS OF PEOPLE IN THEIR QUALIFICATION REQUIREMENTS
21 IN THE REPORT OF FACILITY INFORMATION AS A WAY TO
22 DETERMINE ADEQUACY.

23 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

24 CHAIRMAN GALLAGHER: YES.

25 BOARD MEMBER BREMBERG: THIS IS JUST MERELY



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1 NIT-PICKY, BUT IT HAS TO DO WITH GRAMMER. YOU'VE GOT IN
2 LINE -- UNDER E, "IN THIS SECTION "ADEQUATE NUMBERS"
3 SHALL MEAN THE AMOUNT." DON'T YOU MEAN THE NUMBER?
4 AMOUNT IS LIKE --

5 MS. COLE: NONENTITY.

6 BOARD MEMBER BREMBERG: YEAH. JUST WANTED YOU
7 TO KNOW I READ IT, PAGE 48.

8 MS. COLE: THE NEXT SECTION IS PROPOSED SECTION
9 17421, SUPERVISION. CURRENT REGULATIONS ARE REPEATED AND
10 CAN BE CONSOLIDATED INTO ONE SECTION AND APPLICABLE TO
11 ALL FACILITIES, AND THAT IS WHAT OUR PROPOSAL IS ON PAGE
12 49 OF YOUR PACKET.

13 NEXT PROPOSED SECTION 17422, ATTENDANT,
14 THIS IS A SUBSTANTIAL CHANGE IN CURRENT REGULATIONS.
15 CURRENT REGULATIONS DO NOT REQUIRE THAT ALL FACILITIES BE
16 ATTENDED, ONLY THOSE THAT ARE OPEN TO THE PUBLIC.

17 OUR VIEWPOINT, IN REVIEWING RECORDS AND
18 DISCUSSING WITH BOTH LOCAL ENFORCEMENT AGENCIES AND BOARD
19 STAFF IS THAT A MAJORITY OF NONATTENDED SITES ARE THOSE
20 THAT ARE OPERATING CONSISTENTLY OUT OF COMPLIANCE WITH
21 THE MINIMUM STANDARDS BECAUSE THEY HAVE NOT THE ATTENDANT.
22 THERE TO DO THE WORK THAT'S REQUIRED.

23 ATTENDANTS ARE ALSO NECESSARY IN ORDER TO
24 CONDUCT THE PROPOSED WASTE LOAD SCREENING, AND WE'RE ALSO
25 GOING TO BE GETTING INTO A DISCUSSION -- FURTHER



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1 DISCUSSION OF SCALES IN A COUPLE STANDARDS HERE TO COME
2 IF SCALES ARE REQUIRED, ATTENDANTS WILL BE NECESSARY TO
3 WEIGH THE WASTES.

4 OUR PROPOSAL IS TO REVISE THIS SECTION AND
5 REQUIRE ATTENDANTS AT ALL FACILITIES IN ORDER TO ASSURE
6 THE FACILITY IS OPERATED IN COMPLIANCE WITH THE
7 STANDARDS.

8 NOW, WE HAVE BEEN -- WE'VE FEARED THAT THIS
9 MAY BE A LARGE IMPACT ON RURAL COUNTIES, AND WE HAVE BEEN
10 DISCUSSING THIS PROPOSAL WITH SOME OF THE TRINITY COUNTY,
11 LASSEN COUNTY, SOME OF THOSE LOCAL ENFORCEMENT AGENCIES;
12 AND, AS A MATTER OF FACT, WHAT WE FOUND WAS SOME OF THEM
13 HAVE ALREADY IMPLEMENTED THIS CHANGE ALREADY. THEY ALSO
14 FELT THAT THIS WAS A MAJOR PROBLEM WITH THEIR FACILITIES;
15 AND DURING OPERATING HOURS, THEY DO WANT TO HAVE
16 ATTENDANTS AT THEIR FACILITIES.

17 THE NEXT SECTION, PROPOSED SECTION 17430,
18 IDENTIFICATION SIGNS, IS A LITTLE CHANGE. REGULATIONS
19 REQUIRE IDENTIFICATION SIGNS AT THE POINT OF ACCESS TO
20 PUBLIC ROADS, BUT THEY DO NOT IDENTIFY THE POSITIONING OF
21 THOSE SIGNS, NOR DO THEY ESTABLISH LETTERING
22 REQUIREMENTS.

23 OUR PROPOSED CHANGE IS TO REQUIRE THAT THE
24 POSITIONING OF THE SIGN BE LEGIBLE FROM A DISTANCE OF 30
25 FEET FROM BOTH DIRECTIONS AND THAT LETTERING BE

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1 CONSISTENT WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION
2 TRAFFIC MANUAL.

3 AS WE FOUND OUT, MOST OF THE SIGNS ON THE
4 ACCESS ROADS ARE BEING DEVELOPED OR THEY HAVE TO PASS
5 CALTRANS APPROVAL ANYWAY, SO I'M NOT REAL SURE THIS WOULD
6 REALLY BE A CHANGE IN THE FIELD. I THINK IT WOULD JUST
7 BRING OUR REGULATIONS UP-TO-DATE.

8 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

9 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

10 BOARD MEMBER BREMBERG: THE LAST SENTENCE IN
11 YOUR PROPOSED NEW LANGUAGE, "IF THE FACILITY IS
12 UNATTENDED," ISN'T THAT CONTRADICTORY TO REQUIRING
13 ATTENDANTS?

14 MS. COLE: WE'RE NOT REAL SURE HOW THAT
15 ATTENDANT'S GOING TO GO, BUT WE PUT IT IN TO --

16 BOARD MEMBER BREMBERG: COVER YOUR BUNS.

17 BOARD MEMBER ARAKALIAN: WHAT YOU'RE SAYING,
18 "YOU HAVE TO HAVE IT"; THEN YOU SAY, "IF YOU DON'T HAVE
19 IT, WHAT DO YOU DO?"

20 MS. COLE: AT THIS POINT, AS YOU ARE GUIDING US
21 ALONG ON LOOKING AT THE REQUIREMENT OF ATTENDANTS, I'D BE
22 WILLING TO DROP THAT SENTENCE OUT, BUT I'M NOT REAL SURE
23 HOW IT'S GOING TO BE RECEIVED IN THE FIELD. BUT WE'LL
24 HAVE TO CHANGE IT IF IT GETS APPROVED.

25 THE NEXT SECTION, PROPOSED SECTION 17431.

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1 ENTRY SIGNS, CURRENT REGULATIONS ARE REPEATED, AND ARE WE
2 JUST MERELY CONSOLIDATING OUR PROPOSED CHANGE.

3 PROPOSED CHANGE SECTION 17432, SECURITY, IS
4 ALSO CONSOLIDATION OF REPEATED REGULATIONS. AND THE
5 CURRENT SECURITY REQUIREMENT, THERE'S -- WE'RE MAKING ONE
6 WORD CHANGE IN OUR PROPOSAL. THE CURRENT STATEMENT SAYS
7 "A FENCE IN GOOD REPAIR" OR A FENCE -- WELL, IT SAYS --
8 EXCUSE ME -- SAYS, "DESIGNED TO DISCOURAGE ACCESS AND
9 PREVENT UNAUTHORIZED ENTRY BY PERSONS OR VEHICLES."

10 OUR PROPOSED TEXT SAYS DESIGNED TO CONTROL
11 ACCESS. IT'S A LITTLE BIT MORE OF A CHANGE THERE TO MAKE
12 SURE THAT THE SECURITY IS TO CONTROL ACCESS.

13 PROPOSED SECTION 17433, ACCESS ROADS, IS
14 MERELY A COMBINATION OF EXISTING TEXT THAT IS UNDER OTHER
15 ARTICLES, AND WE'RE CONSOLIDATING IT INTO ONE SECTION AND
16 APPLICABLE TO ALL SOLID WASTE FACILITIES.

17 THE SAME ALSO STANDS FOR PROPOSED SECTION
18 17432. WE'RE CONSOLIDATING THIS ALL INTO ONE SECTION AND
19 MAKING IT APPLICABLE TO ALL FACILITIES.

20 NOW, THE MAJOR SUBSTANTIAL CHANGE IN
21 REGULATORY DIRECTION IN PROPOSED SECTION 17435 IS SCALES.
22 AS WE JUST DISCUSSED, WHO KNOWS HOW THIS IS GOING TO GO.
23 AND DEPARTMENT OF EQUALIZATION HASN'T REALLY MADE A
24 DECISION ON WHETHER THEY'RE GOING TO REQUIRE SCALES. I
25 KIND OF HOPE THEY TAKE THAT ON FOR US, AND WE WON'T HAVE

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1 TO MAKE THE REQUIREMENT, BUT THEY DIDN'T. SO OUR
2 PROPOSAL IS THAT ANY FACILITY THAT RECEIVES MORE THAN 50
3 TONS OF WASTE PER DAY INSTALL SCALES.

4 NOW, HOW DID WE ARRIVE AT 50 TONS? WELL,
5 THERE'S BEEN LOTS OF DISCUSSIONS ON WHAT THE TONNAGE
6 WOULD BE. AND OUR BASIC ARRIVAL AT THAT FIGURE WAS BASED
7 ON THE FACT THAT LANDFILLS HAVE TO APPLY DAILY COVER ON
8 THE 50 TON OR MORE A DAY FREQUENCY. WE FELT THERE WAS A
9 HISTORIC NEED TO IMPLEMENT FURTHER CONTROL MEASURES TO
10 MAKE SURE THE ENVIRONMENT AND PROTECT THE PUBLIC HEALTH
11 AND SAFETY WERE TAKEN AT THE 50-TON LEVEL. THAT WAS JUST
12 A PROPOSAL OF WHERE TO START.

13 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

14 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

15 BOARD MEMBER BREMBERG: WELL, 50 TONS IS FIVE
16 TRUCKS, ISN'T IT, APPROXIMATELY, MAYBE SIX?

17 CHAIRMAN GALLAGHER: DEPENDS ON THE SIZE OF THE
18 TRUCK.

19 BOARD MEMBER ARAKALIAN: WELL, DEPENDS.
20 COMPACTOR TRUCKS CARRY A LOT. THESE ROLL-OFF COMMERCIAL
21 ONES CARRY BIG BOX WITH THREE TON ON IT. THEN YOU GET
22 THE COMPACTOR THAT COMES IN WITH 10 TON ON IT OR 12 TON
23 ON IT AND SO ON.

24 YOU KNOW, GETTING TO THAT, ON MANDATORY
25 SCALES, WHEN YOU TALK ABOUT THROUGHOUT THE STATE, YOU

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1 KNOW, THERE'S A LOT OF LITTLE RURAL AREAS WITH PIPSQUEAK
2 DUMPS, AND 50 TON MAY SOUND LIKE A LOT TO YOU, BUT
3 NOTHING OUT IN THE BOONIES. THAT'S A COUPLE OF
4 BACKYARDS, AND THEY DON'T HAVE A NEED FOR A SCALE. THE
5 PUBLIC DON'T HAVE A REVENUE TO JUSTIFY -- A SCALE IS NOT
6 30, 40 BUCKS. THEY'RE NOT SCALING.

7 THEY CHARGE A GUY BY THE TRUCKLOAD OR HAVE
8 A METHOD OF CHARGING WHICH IS LIVABLE BY THEM AND
9 PROBABLY HELL OF A LOT MORE FEASIBLE THAN PUTTING IN A
10 SCALE TO CHARGE THEM BY THE TON. THEY ALREADY HAVE A
11 GOOD IDEA WHAT A TRUCK HAULS, THEY CHARGE SO MUCH A
12 TRUCK. YOU ARE PUTTING AN EXPENSE ON A LITTLE GUY.
13 FORGETTING WHETHER HE'S LITTLE OR BIG, IT'S A MATTER OF
14 HOW MUCH REVENUE DOES HE HAVE. THIS LITTLE DUMP SITE
15 MIGHT BRING IN \$500 A DARN WEEK AND BY HIMSELF A \$100,000
16 SCALE OR SOME DAMN THING.

17 BOARD MEMBER BREMBERG: THEY PRETTY WELL KNOW
18 WHO'S COMING. I MEAN, THEY DON'T GET STRANGE AND
19 WONDERFUL OFF-THE-STREET CUSTOMERS. THEY HAVE REGULAR
20 CUSTOMERS, AND THEY'RE PRETTY MUCH AWARE OF WHAT THAT
21 WASTE IS, AND THEY DO ARRIVE AT A FIGURE WHERE IT --
22 THEY'RE MAKING SOME MONEY AND THEY AREN'T BANKRUPTING THE
23 GUY THAT'S DOING THE DELIVERY.

24 BOARD MEMBER ARAKALIAN: AND THE SCALE IS
25 SOMETHING THAT. I CAN ASSURE YOU, ANY LANDFILL -- THAT'S



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1 RIDICULOUS -- I CAN'T ASSURE YOU OF ANYTHING. I WOULD
2 THINK THAT ANY LANDFILL WHO PUTS IN A SCALE IS DOING IT
3 FOR HIS ADVANTAGE SO HE CAN SCALE THESE PEOPLE'S LOADS
4 AND GET MONEY COMMENSURATE TO WHAT THEY BRING IN.

5 SO IF THAT LANDFILL OUT THERE THINKS IT
6 JUSTIFIES THEM TO PUT IN A SCALE, HE'LL PUT ONE IN. THE
7 ONE THAT DOESN'T PUT IT IN PROBABLY DOESN'T NEED IT. SO
8 WHY DO YOU WANT TO MAKE IT MANDATORY TO GIVE THE PERSON
9 WHO DOESN'T NEED IT SOMETHING HE DOESN'T NEED? THE ONE
10 WHO NEEDS IT, BELIEVE ME, DOESN'T NEED MANDATING.

11 TAKE ANY DECENT SIZE LANDFILL, THEY HAVE
12 SCALES. THOSE TRUCKS GO OVER THEM AND THEY GET WEIGHED.
13 WHAT ADVANTAGE DO WE HAVE OR THE STATE HAVE IN MAKING A
14 SCALE MANDATORY IS WHAT I DON'T UNDERSTAND.

15 BOARD MEMBER BROWN: MR. CHAIRMAN.

16 CHAIRMAN GALLAGHER: MR. BROWN.

17 BOARD MEMBER BROWN: I AGREE WITH WHAT YOU ARE
18 SAYING; HOWEVER, IT SEEMS TO ME THAT IT'S POSSIBLE THAT
19 REGULATIONS WITH RESPECT TO CLOSURE AND POSTCLOSURE WILL
20 FORCE PEOPLE TO BE MORE PRECISE TO WITH RESPECT TO THE
21 TONNAGES THEY'RE TAKING IN. THE MERE FACT THAT YOU OWN A
22 LANDFILL AND ARE GOING TO HAVE TO CLOSE IT AND POSTCLOSE
23 IT SOMEDAY ARE GOING TO MAKE YOU, AS AN OWNER, BE MORE
24 PRECISE. I DON'T WANT TO REGULATE ANYBODY INTO SCALES.
25 THAT'S NOT THE POINT. BUT MAYBE THESE REGULATIONS THAT

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1 ARE COMING DOWN THAT ARE --

2 BOARD MEMBER ARAKALIAN: WILL TIE IN WITH THE --
3 AFTER OF THE OTHER THING.

4 BOARD MEMBER BROWN: JUST MAKING THE OPERATORS
5 BE MORE PRECISE. AND AGAIN, THAT GOES WITH WHAT YOU ARE
6 SAYING, SAM, THAT MAYBE THE 500-TON-A-DAY GUY GETS TO
7 NEED TO KNOW AND THE 50-TON DIDN'T. I'M AFRAID WE'RE
8 GOING TO GET DOWN TO WHERE THE 50-TON-A-DAY FELLOW NEEDS
9 TO KNOW TOO.

10 BOARD MEMBER ARAKALIAN: THAT'S AN ASPECT I
11 WASN'T SEEING AS FAR AS YOU ON THAT.

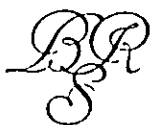
12 CHAIRMAN GALLAGHER: I WOULD THINK THAT IT WOULD
13 BE PRUDENT ON OUR PART TO LET SOMEBODY ELSE TAKE THE LEAD
14 IN DETERMINING WHETHER OR NOT SCALES WERE GOING TO BE
15 MANDATORY RATHER THAN OUR TRYING TO BE THE ONE THAT DOES
16 IT.

17 BOARD MEMBER VARNER: MR. CHAIRMAN.

18 CHAIRMAN GALLAGHER: YES, MR. VARNER.

19 BOARD MEMBER VARNER: I JUST WANT TO COMMENT ONE
20 THING THERE. IF YOU ARE TALKING, AS MR. BROWN IS
21 TALKING, ABOUT BEING PRECISE IN TONNAGE, I WOULD SUBMIT
22 IT'S NOT THE WAY IN WHICH TO BE PRECISE BECAUSE YOU DON'T
23 FILL A LANDFILL UP WITH TONNAGE; YOU FILL IT UP WITH
24 VOLUME.

25 BOARD MEMBER BROWN: THE PROBLEM IS THAT YOU PAY



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1 ALL YOUR BILLS RELATIVE TO THAT LANDFILL ON TONNAGE.

2 BOARD MEMBER VARNER: NOT NECESSARILY.

3 BOARD MEMBER BROWN: I BET YOU IN MOST CASES YOU
4 DO.

5 BOARD MEMBER VARNER: THAT MAY BE ON ONES WHERE
6 THEY HAVE SCALES THEY DO THAT; THAT'S RIGHT, BUT THERE'S
7 A LOT OF PLACES THAT DON'T DO THAT.

8 BOARD MEMBER BROWN: WELL, AGAIN, THE
9 PRESENTATION BY THE BOARD OF EQUALIZATION YESTERDAY
10 SHOULD BE A SIGNIFICANT GUIDEPOST TO US AS TO WHERE THE
11 STATE WILL, AT LEAST, BE MOVING IN THE COLLECTION OF
12 THEIR MONIES DUE, AND I THINK THEY'RE GOING TO WANT TO BE
13 FAIRLY PRECISE.

14 BOARD MEMBER VARNER: I UNDERSTAND THAT, BUT YOU
15 NEED TO UNDERSTAND ANOTHER THINK, AS I BROUGHT UP
16 CONSTANTLY ON THIS BOARD, THAT PARTICULARLY IN THE RURAL
17 COUNTIES, A LOT OF THE THINGS THAT ARE A PROPER STANDARD
18 FOR A HEAVILY POPULATED MUNICIPAL AREA DOES NOT
19 NECESSARILY APPLY TO THE RURAL AREAS AND IS GOING TO
20 LITERALLY DEVASTATE THEM.

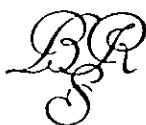
21 BOARD MEMBER BROWN: AGREED.

22 CHAIRMAN GALLAGHER: AGAIN, I THINK THAT
23 SUPPORTS THE CONTENTION THAT IF STATE BOARD OF
24 EQUALIZATION FEELS THE SCALES ARE MANDATORY, THEY SHOULD
25 BE THE LEADING AGENCY IN MAKING THAT STATEMENT UP FRONT,

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1 AND WE SHOULD NOT CARRY THE BALL IN THAT REGARD. IS THAT
2 A FAIR STATEMENT?

3 BOARD MEMBER ARAKALIAN: SOUNDS FAIR. IF THEY
4 WANT TO USE THAT TONNAGE NUMBER IN COLLECTIONS, LET THEM
5 SAY PUT IN A TONNAGE NUMBER.

6 MR. EOWAN: I PROPOSE WE TABLE THIS ONE FOR NOW
7 AND NOT MAKE A DECISION. THERE'S A LOT OF ISSUES
8 INVOLVED HERE THAT WE NEED TO CONSIDER, AND I'D LIKE TO
9 BRING THIS BACK AGAIN. THE RURAL COUNTY ONE IS AN ISSUE;
10 THE LITTLE OPERATOR IS AN ISSUE; FAIRNESS IS AN ISSUE;
11 2448 AND HOW THE FEES ARE CHARGED IS AN ISSUE. IT'S A
12 VERY COMPLEX SUBJECT.

13 THE FACT THAT THIS BOARD HAS AN EXPERTISE
14 IN WASTE MANAGEMENT THAT BOARD OF EQUALIZATION DOESN'T
15 HAVE IS ALSO AN ISSUE THAT WE SHOULD CONSIDER. AND IF WE
16 DO TIP OUR HAT TO THE BOARD OF EQUALIZATION, IT SHOULD BE
17 DONE WITH OUR OWN EXPERTISE AS WELL AND GIVE THEM
18 GUIDANCE ON WHAT WE THINK IS APPROPRIATE.

19 IT'S A COMPLEX ONE FOR A RELATIVELY SIMPLE
20 REGULATION. SO I PROPOSE WE HAVE SOME MORE DISCUSSIONS
21 WITH THE STAFF AND OTHER PEOPLE OUT THERE, BOARD MEMBERS,
22 AND BRING IT BACK AGAIN.

23 BOARD MEMBER ARAKALIAN: JUST FOR CLARIFICATION,
24 I'M SORT OF NOT SURE HOW BOARD OF EQUALIZATION COMES INTO
25 THIS. IS THEIR JOB -- I THOUGHT -- I WAS UNDER THE

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1 UNDERSTANDING THAT WE DO THE DEAL, AND THEY'RE THERE TO
2 COLLECT THE MONIES, YOU KNOW, OR IT'S FARTHER THAN --
3 MORE THAN THAT. IN OTHER WORDS, THEY HAVE A WHOLE LOT
4 MORE SAY-SO ABOUT, NOT ONLY COLLECTING IT, BUT FOR WHAT
5 THEY GOING TO COLLECT IT AND WHAT STANDARDS THEY'VE GOT
6 TO SET.

7 CHAIRMAN GALLAGHER: VERIFYING WHETHER OR NOT
8 IT'S ACCURATE, WHETHER ENOUGH IS COMING IN. MR. EOWAN,
9 CERTAINLY, WE'LL ACCEPT YOUR COMMENTS AS BEING THE
10 GUIDANCE THAT WE WILL FOLLOW. HOWEVER, IS IT POSSIBLE
11 THAT WE CAN SET UP A VERY SMALL WORKING COMMITTEE OF
12 KNOWLEDGEABLE PEOPLE WITH THE DEPARTMENT OF
13 EQUALIZATION -- BOARD OF EQUALIZATION SO THAT WE CAN GIVE
14 THEM THE BENEFIT OF WHAT WE'RE TALKING ABOUT BECAUSE IT'S
15 VERY EASY -- IF YOU DON'T REALLY UNDERSTAND THE
16 COMPLEXITIES OF THIS, IT'S A HELL OF A PROBLEM ALL
17 SOLVED, JUST MAKE EVERYBODY PUT IN SCALES. AND THAT RUNS
18 EVERYWHERE FROM 5 TON A DAY TO 5,000 TONS A DAY.

19 SO COULD WE POSSIBLY HAVE A COMMITTEE OF
20 SOME OF OUR BOARD MEMBERS THAT WOULD SIT DOWN WITH THE
21 BOARD OF EQUALIZATION?

22 MR. EOWAN: UH-HUH.

23 BOARD MEMBER ARAKALIAN: MR. CHAIRMAN, WE CAN DO
24 THAT; BUT FROM WHAT YOU UNDERSTAND, BECAUSE I DON'T KNOW,
25 IS THE BOARD OF EQUALIZATION WILLING TO LISTEN TO US

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1 ENOUGH? ARE THEY GOING TO WORK WITH US OR ARE THEY GOING
2 TO PLAY, YOU KNOW, WE KNOW IT ALL AND YOU DON'T.

3 MR. EOWAN: SO FAR WE HAVE --

4 BOARD MEMBER ARAKALIAN: ARE THEY PRETTY WORKING
5 WITH US?

6 MR. EOWAN: YEAH, THEY ARE.

7 BOARD MEMBER ARAKALIAN: AT THE STAFF LEVEL
8 WHERE YOU NEED IT.

9 MR. EOWAN: AT THE STAFF LEVEL, THEY'RE VERY
10 COOPERATIVE. WE'VE HAD ARGUMENTS AND DISCUSSIONS, BUT I
11 MEAN, YEAH, IT'S WORKING PRETTY WELL.

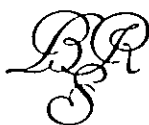
12 BOARD MEMBER ARAKALIAN: STAFF IS WHAT'S GOING
13 TO FEED THE INFORMATION TO THEIR BOARD JUST AS REALLY --

14 MR. EOWAN: THEY'RE TAX COLLECTORS.

15 BOARD MEMBER ARAKALIAN: WE BASE OUR DECISION --
16 WE CAN SAY WHAT WE WANT, BUT WE BASE OUR OPINION, IN MOST
17 CASES, BY THE INFORMATION YOU FEED US. AND I ASSUME
18 EVERY OTHER BOARD WILL BE THE SAME. EACH MEMBER OF BOARD
19 DOES HOMEWORK.

20 MR. EOWAN: THEY HAVE A VERY, VERY STRICT
21 RESPONSIBILITY, AND THAT'S COLLECTING THIS MONEY.
22 THERE'S A POINT AT WHICH THEY DON'T BEND, AND THEY HAVE
23 THEIR GUIDELINES. THAT'S WHY I THINK IT'S IMPORTANT TO
24 DO THIS, SET UP A GROUP.

25 CHAIRMAN GALLAGHER: IT SEEMS TO ME THAT IT'S



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1 PRUDENT ON OUR PART TO OFFER WHATEVER ASSISTANCE WE CAN
2 TO SOLVE THE PROBLEM RATHER THAN GETTING FEET CAST IN
3 CONCRETE AND THEN BUTT HEADS ON THE THING. WE CAN, AT
4 LEAST, OFFER OUR HELP. IF THEY CHOOSE NOT TO ACCEPT IT,
5 THEN WE HAVE TO GO DOWN THAT ROAD AND LET THEM DEFEND
6 THEMSELVES. BUT I DO THINK THAT IT'S IN THE BEST
7 INTEREST OF INTERAGENCY COOPERATION IF WE TRY, BEFORE
8 ANYTHING IS CAST IN CONCRETE, WE SIT DOWN WITH THEM AND
9 TELL THEM WHAT SOME OF THE PROBLEMS ARE, SOME OF THE
10 POSSIBLE SOLUTIONS, AND GET AN INTERCHANGE GOING WITH
11 THEM.

12 BOARD MEMBER ARAKALIAN: AND HAVE ON RECORD SO
13 THAT WE'LL KNOW WHO THE BOO-BOOER WAS.

14 CHAIRMAN GALLAGHER: ABSOLUTELY. IF THAT'S
15 AGREEABLE, WE'LL HAVE GEORGE SET UP THE MEETINGS, AND
16 WE'LL IDENTIFY SOME PEOPLE TO BE ON THE SUBCOMMITTEE AND
17 GO FROM THERE.

18 MR. EOWAN: OKAY.

19 CHAIRMAN GALLAGHER: MARY, WOULD YOU LIKE TO
20 CONTINUE, PLEASE.

21 MS. COLE: THE NEXT PROPOSED SECTION IS 17440,
22 SANITARY FACILITIES. CURRENT REGULATIONS ARE REPEATED,
23 ADDRESSING SANITARY FACILITIES AND WATER SUPPLY, AND THE
24 REGULATIONS CAN BE CONSOLIDATED INTO ONE.

25 ALSO, THERE ARE CURRENT REQUIREMENTS IN



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1 CAL-OSHA'S LAWS THAT ADDRESS THE TYPES AND NUMBERS OF
2 SANITARY FACILITIES AND WATER SUPPLY BASED ON THE NUMBER
3 OF EMPLOYEES THAT INDUSTRY HAS, AND OUR RECOMMENDATION IS
4 TO CONSOLIDATE THEIR REQUIREMENTS AND OUR REQUIREMENTS
5 INTO ONE SECTION, AND TO MAKE OUR REQUIREMENTS CONSISTENT
6 WITH THEIRS IN SANITARY FACILITIES AND WATER SUPPLY.

7 THE NEXT SECTION IS PROPOSED SECTION 17441,
8 COMMUNICATION FACILITIES. AND THESE REGULATIONS ARE
9 REPEATED; AND, ALSO, THE LAST SENTENCE OF EXISTING
10 SECTION 17668 HAS ALREADY BEEN INSERTED AS AN ADDITION TO
11 OUR IDENTIFICATION SIGN PROPOSAL. SO WE'RE RECOMMENDING
12 THAT THAT SENTENCE BE REMOVED, BUT CONSOLIDATE THE REST
13 INTO ONE STANDARD APPLICABLE TO ALL FACILITIES.

14 THE NEXT SECTION IS 17442, LIGHTING. THIS
15 IS MERELY A CONSOLIDATION OF THE CURRENT REQUIREMENTS AND
16 TO DEFINE -- HELP DEFINE WHAT ADEQUATE LIGHTING IS. AND
17 OUR DEFINITION OF ADEQUATE LIGHTING IS ARTIFICIAL
18 LIGHTING SHALL MEAN THAT WHICH IS IDENTIFIED AS NECESSARY
19 IN THE REPORT OF FACILITY INFORMATION AND/OR SOLID WASTE
20 FACILITIES PERMIT.

21 PROPOSED SECTION 17443, PERSONNEL HEALTH
22 AND SAFETY, THIS IS A LESSER SUBSTANTIAL CHANGE, BUT
23 THERE IS A CHANGE RECOMMENDED HERE.

24 CURRENT REGULATIONS REQUIRE OPERATING
25 MAINTENANCE PERSONNEL TO BE AWARE OF THE USE OF APPROVED



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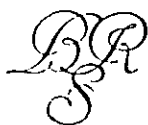
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1 SAFETY REQUIREMENT EQUIPMENT AS DETERMINED NECESSARY BY
2 THE LEA.

3 A LOT OF TIMES THERE IS -- THERE ARE NO
4 GUIDELINES THAT WERE GIVEN TO THE LOCAL ENFORCEMENT
5 AGENCY TO DETERMINE WHAT WOULD BE NECESSARY. AND THERE
6 ARE CURRENT REGULATIONS UNDER CAL-OSHA REQUIREMENTS THAT
7 WOULD IDENTIFY THE SAFETY GEAR THAT IS REQUIRED BY PEOPLE
8 OPERATING AROUND AND ON CERTAIN TYPES OF EQUIPMENT.

9 OUR RECOMMENDATION IN THIS PROPOSAL IS TO
10 CONSOLIDATE OUR STANDARDS AND TO MAKE IT CONSISTENT WITH
11 CAL-OSHA REQUIREMENTS IN THAT THE MINIMUM SAFETY
12 EQUIPMENT THAT WOULD BE WORN WOULD BE HEAD PROTECTION,
13 HARD HATS, FOOT PROTECTION THAT WOULD PROTECT THE
14 EMPLOYEES FROM STEPPING ON SHARP OBJECTS AND PUNCTURING
15 THEIR FEET, AND REFLECTIVE FLAGMEN-TYPE VESTS. THOSE
16 WOULD BE THE THREE MINIMUM REQUIREMENTS, AND THERE WOULD
17 BE ADDITIONAL REQUIREMENTS BASED ON IF THEY ARE WORKING
18 IN DUSTY AIR, NOISY AREAS, OR NEED RESPIRATORS.

19 PROPOSED SECTION 17450, SALVAGING, THERE
20 ARE CURRENTLY EIGHT SECTIONS WHICH ADDRESS SALVAGING. I
21 THINK THIS IS ONE THAT, HOPEFULLY, OAL WILL APPRECIATE US
22 CONSOLIDATING THIS ALL INTO ONE AREA, AND THAT IS MERELY
23 WHAT WE ARE RECOMMENDING HERE IS THE CONSOLIDATION OF
24 EIGHT SECTIONS INTO ONE. AND THAT IS WHAT OUR PROPOSAL
25 IS.



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1 THE SAME STATEMENT ALSO GOES FOR 17451,
2 STORAGE AND REMOVAL OF SALVAGE. THERE'S FOUR SECTIONS
3 THAT DEAL WITH THIS CURRENTLY IN CURRENT TEXT, AND WE'RE
4 RECOMMENDING THAT THOSE BE CONSOLIDATED INTO ONE AND BE
5 APPLICABLE TO ALL FACILITIES.

6 ALSO GOES FOR THE NEXT SECTION, 17452,
7 VOLUME REDUCTION. THERE ARE EXISTING SECTIONS WHICH ARE
8 REPEATED, AND WE'RE RECOMMENDING THOSE BE CONSOLIDATED
9 INTO ONE.

10 THE LAST SECTION, 17460, EQUIPMENT
11 AVAILABILITY AND MAINTENANCE, THERE ARE FOUR SECTIONS
12 WHICH CONTAIN REQUIREMENTS REGARDING AVAILABILITY AND
13 MAINTENANCE OF EQUIPMENT. AND OUR RECOMMENDATION IS TO
14 CONSOLIDATE THAT INTO ONE AND ADDRESS IT ALL INTO ONE
15 STANDARD.

16 BOARD MEMBER ARAKALIAN: THIS IS PROBABLY
17 ALREADY ADDRESSED IN HERE. SINCE I HAVEN'T READ IT THAT
18 WELL, FRANKLY, YOU MIGHT TELL ME IF IT'S IN THERE; AND IF
19 IT ISN'T, IS IT NECESSARY.

20 WHEN THE LANDFILL IS GOING TO BE OBLIGATED
21 FOR A FEE TO PAY FOR THEIR POSTCLOSURE FEE COMMENSURATE
22 TO THE TONNAGE THEY'RE TAKING IN, WELL, WHEN THEY BRING
23 IN THE TONNAGE AND IF THEY HAVE SOURCE SEPARATION AT THAT
24 LANDFILL AND THEY PULL OUT TONNAGE, DO THEY SUBTRACT THAT
25 FROM THE TONNAGE? IN OTHER WORDS, THEY WOULD PROBABLY



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1 HAVE TONNAGE AT THE TIPPING AREA. LET'S SAY THEY BRING
2 IN 10 TON, USING A TIPPING NUMBER, AND ONE TON OF IT
3 COMES OUT AND DOESN'T GO IN THE LANDFILL. DO THEY PAY ON
4 THE 10 TON OR THE 9 TON?

5 MR. EOWAN: THEY PAY ON THE AMOUNT DISPOSED OF,
6 SO IT WOULD ENCOURAGE RECYCLING.

7 BOARD MEMBER ARAKALIAN: SO THEY WOULD THEN SAY
8 WE BROUGHT IN A THOUSAND TON LAST PERIOD AND RECYCLED A
9 HUNDRED, SO WE'LL ONLY PAY A FEE ON 990. IS THAT HOW IT
10 WOULD BE? IS THAT WORDED SOMEWHERE IN HERE?

11 MR. ORR: THAT'S IN THE LAW, AB 2448.

12 BOARD MEMBER ARAKALIAN: I DIDN'T KNOW.

13 MS. COLE: THAT CONCLUDES THE PHASE 1
14 PRESENTATION, AND OUR PROPOSAL IS TO COME BACK AND
15 ADDRESS SPECIFIC STANDARDS FOR TRANSFER STATIONS,
16 WASTE-TO-ENERGY LANDFILLS AT A FUTURE DATE.

17 CHAIRMAN GALLAGHER: THANK YOU, MARY. ANY MORE
18 QUESTIONS FROM THE BOARD? WE'VE HAD A REQUEST --

19 BOARD MEMBER VARNER: I WOULD LIKE TO ASK ONE
20 MORE QUESTION IN RELATIONSHIP WE'RE TALKING ABOUT THE
21 LANDFILLS. AND THERE IS SOME PROBLEMS, YOU KNOW, WITH
22 THE RECYCLING AND COMPOSTING AND SO FORTH, THIS HAS BEEN
23 DONE. BUT IN MY OWN VIEWPOINT IT'S LOGICAL PLACE, IN
24 MANY INSTANCES, TO DO THESE THINGS, PARTICULARLY
25 COMPOSTING.

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1 NOW, IF YOU DO A COMPOSTING FACILITY AT A
2 LANDFILL, DOES THAT COME OFF OF THE TONNAGE THAT THEY PAY
3 ON ALSO? BECAUSE NOW WE'RE TALKING ABOUT A SIGNIFICANT
4 AMOUNT OF TONNAGE IN RELATIONSHIP TO RECYCLING.
5 COMPOSTING HAS GOT TO BE A SIGNIFICANT --

6 BOARD MEMBER ARAKALIAN: SHOULD FALL IN THE SAME
7 CATEGORY. THAT'S RECYCLING, DIFFERENT TYPE OF IT, BUT I
8 THINK IT'S WASTE REDUCTION.

9 BOARD MEMBER VARNER: IT'S WASTE REDUCTION,
10 WHICH IS A DIFFERENT THING, BUT THEY DO SOMETIMES CONFUSE
11 THE TWO, BUT THEY'RE NOT EXACTLY THE SAME BECAUSE THE
12 COMPOSTING NOT NECESSARILY WILL GO BACK INTO REUSE OR
13 SOMETHING, BUT IT'S USED IN A DIFFERENT WAY. BE USED FOR
14 LANDFILL COVER AND SO FORTH. I JUST WANTED TO ASK THAT
15 QUESTION: HAS THIS BEEN DEFINED?

16 MR. ORR: I'M GLAD YOU BROUGHT THAT UP.

17 BOARD MEMBER VARNER: BECAUSE I THINK THIS IS
18 ALSO IN THE AREA OF REGULATION, THEN WE OUGHT TO START
19 LOOKING ABOUT REGULATIONS THAT WE CAN MAKE THAT SORT OF A
20 THING HAPPEN MORE EASILY THAN WHAT IT IS UNDER THE
21 PRESENT SYSTEM BECAUSE OUR PRESENT REGULATIONS, IN MANY
22 INSTANCES, WILL DISCOURAGE THAT SORT OF THING BECAUSE WE
23 CAN'T DO IT AND BE IN COMPLIANCE WITH THE REGULATIONS AS
24 THEY'RE PRESENTLY WRITTEN.

25 MR. ORR: IN TERMS OF THE ASSESSMENT OF THE FEE,



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1 THIS IS AN AREA, I THINK, THAT THE STATE BOARD OF
2 EQUALIZATION COULD USE OUR EXPERIENCE IN AND GUIDANCE
3 BECAUSE THERE'S BEEN A LOT OF QUESTIONS ASKED RELATING TO
4 COMPOST OR, FOR EXAMPLE, IF YOU ACCEPT SLUDGE AND YOU DRY
5 IT AND THEN YOU DISPOSE OF IT, WHEN SHOULD THAT FEE BE
6 APPLIED TO THAT PARTICULAR MATERIAL?

7 AND THIS IS AN AREA WHERE, IN TERMS OF THE
8 FEE SETTING UP AND THE REGULATIONS FOR THAT FEE, THE
9 STATE BOARD OF EQUALIZATION IS IN THE DRIVER'S SEAT. IN
10 TERMS OF THE TECHNOLOGY, I THINK THAT THE BOARD OF
11 EQUALIZATION CAN BENEFIT FROM THE BOARD'S ASSISTANCE ON
12 THE SUBCOMMITTEE, POSSIBLY. THESE ARE THE KIND OF ISSUES
13 THAT COME UP IN TERMS OF WHAT THE LAW SAYS IS THAT WASTE
14 THAT IS ACTUALLY DISPOSED OF IS WHAT IS CHARGED THE FEE.
15 HOWEVER, WHERE YOU CHARGE IT, IF YOU HAVE A GATEHOUSE,
16 YOU BRING THE WASTE IN, YOU SEPARATE IT AFTER IT'S GONE
17 THROUGH AND BEEN WEIGHED OR WHATEVER, HOW DO YOU THEN
18 DEDUCT THE WEIGHT OF THAT MATERIAL FROM THAT WHICH HAS
19 GONE THROUGH? SO THERE ARE SOME TECHNICAL ISSUES TO BE
20 RESOLVED.

21 IF YOU COMPOST THE MATERIAL AND IT'S BEEN
22 WEIGHED, HOW DO YOU THEN BACK OUT THAT INFORMATION OUT OF
23 THE FIGURE? THESE ARE OUR ISSUES THAT THE BOARD OF
24 EQUALIZATION IS GOING TO HAVE TO GRAPPLE WITH FROM THEIR
25 FEE ASSESSMENT STANDPOINT. FROM A TECHNOLOGY ASPECT, WE

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1 NEED TO LOOK INTO ENCOURAGING THOSE TYPES OF
2 TECHNOLOGIES.

3 MR. EOWAN: THE OTHER THING I MIGHT ADD TO THAT
4 IS THAT FROM OUR DISCUSSIONS YESTERDAY WITH THE BOARD OF
5 EQUALIZATION, I GOT THE IMPRESSION THAT THEY WERE AWARE
6 OF THAT ISSUE. AND DALE ANDERSON SAID THAT HE THOUGHT
7 THAT WAS PROBABLY ONE OF THE INTENTS OF THE LAW, TO
8 ENCOURAGE THAT KIND OF EFFORT, RECYCLING, COMPOSTING,
9 ETC. SO I THINK THEY'RE AWARE OF IT, AND THEY WOULD
10 PROBABLY WELCOME OUR INPUT AS TO HOW TO GO ABOUT ACTUALLY
11 THE MECHANICS OF CHARGING THE FEE AND WHEN YOU BACK IT
12 OUT AND WHEN YOU DON'T.

13 CHAIRMAN GALLAGHER: ANYTHING ELSE? THANK YOU.

14 WE HAVE HAD A REQUEST FROM A MR. STEVEN
15 PETRIN TO ADDRESS THE BOARD ON THIS ISSUE. IS HE STILL
16 HERE?

17 MR. PETRIN: GOOD MORNING, MR. CHAIRMAN, MEMBERS
18 OF THE BOARD. I'M STEVE PETRIN. I'M WITH THE TIMBER
19 ASSOCIATION OF CALIFORNIA, AND I WAS GRATIFIED A LITTLE
20 EARLIER. HERB AND MARY BOTH MENTIONED THAT WE HAVE BEEN
21 IN CONTACT WITH STAFF.

22 I DON'T HAVE A FORMAL PRESENTATION. I JUST
23 WANTED TO BRING IT TO THE BOARD'S ATTENTION THIS ISSUE OF
24 PRIVATE SITES OR MONOFILL-TYPE FACILITIES. CERTAINLY,
25 THE BOARD'S PRIMARY CONCERN, THE BIGGEST PROBLEMS ARE



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1 WITH MUNICIPAL AND COUNTY SITES, AND ALSO THE LEGISLATURE
2 WHEN THEY PASS LEGISLATION, TENDS TO BE AIMED AT
3 MUNICIPAL WASTE SITES.

4 UNFORTUNATELY, A LOT OF THE OTHER KIND OF
5 SITES THAT ARE NOT RECEIVING MUNICIPAL WASTE GET CAUGHT
6 UNDER THE PERMIT REQUIREMENTS. AND OUR MEMBERS, WOOD
7 WASTE LANDFILLS, THERE ARE APPROXIMATELY 40 OF THEM IN
8 THE STATE, BASICALLY, IT'S A VERY WELL-DEFINED WASTE
9 STREAM, INNOCUOUS WASTE, BARK AND WOOD WASTE FROM LUMBER
10 MILL FACILITIES. WE'VE HAD PROBLEMS IN THE PAST WITH
11 HAVING TO MEET STANDARDS WHICH ARE REALLY AIMED AT
12 MUNICIPAL SITES.

13 AND SO DURING THIS REGULATORY REVISION, WE
14 JUST WANT THE BOARD TO BE AWARE OF THE FACT THAT WE'RE
15 WORKING WITH STAFF TO TRY AND GET SOME LANGUAGE IN THERE
16 THAT SOME OF THESE STANDARDS THAT REALLY DON'T APPLY.
17 WE'RE NOT ASKING TO GET OUT OF REGULATIONS. WE ARE
18 LANDFILL FACILITIES AND WE DO HAVE PERMIT REQUIREMENTS,
19 BUT THERE ARE A NUMBER OF ISSUES THAT ARE OF CONCERN TO
20 US, THINGS LIKE INTERNAL ROADS.

21 MANY OF OUR FACILITIES DON'T OPERATE DURING
22 POOR WEATHER OR DURING THE WINTER MONTHS THEY CLOSE DOWN,
23 SO THERE'S NO REQUIREMENT OR NEED FOR THEM TO HAVE THOSE
24 KINDS OF HIGH QUALITY ROADS.

25 INTERIM COVER, WASTE LOAD SCREENING, YOU



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1 KNOW, FOR PRIVATE SITES IT'S A WASTE OVER WHICH WE HAVE A
2 LOT OF CONTROL OVER. IT'S NOT THE PUBLIC BRINGING IN
3 WASTE. WE WONDER IF THOSE KIND OF REQUIREMENTS ARE
4 NECESSARY.

5 ALTERNATIVE FACILITIES SIGNS, THAT'S A
6 SMALL ONE, BUT THINGS LIKE THAT COME UP. WHEN YOU CLOSE
7 A SITE, DO YOU REALLY NEED TO TELL ANYBODY WHERE ELSE TO
8 GO. IN FACT, SIGNS, IN GENERAL, OFTEN WE DON'T WANT THE
9 PUBLIC TO KNOW WE HAVE A FACILITY THERE, JUST FOR THE
10 PROBLEM OF THEM COMING ON AND DUMPING THINGS ON THE
11 FACILITY.

12 WE'RE ALSO CONCERNED WITH THE FACT THAT
13 WE'VE HEARD BOTH AT THE POSTCLOSURE WORKSHOPS AND IN THIS
14 REVISION DISCUSSION OF RCRA SUBTITLE D, EPA HAS
15 RECOGNIZED THE SPECIAL NEEDS OF INDUSTRIAL SITES BY NOT
16 CURRENTLY MAKING SUBTITLE D REGULATIONS APPLY TO THEM.
17 THEY'RE GOING TO SEPARATE OUT INDUSTRIAL SITES. AND WE
18 THINK THAT THE BOARD AND STAFF NEED TO BE AWARE OF THAT
19 DIVISION ALSO AND THAT THEY DON'T GO TRYING TO WRITE
20 THESE STANDARDS ONLY FOR THE CURRENT SUBTITLE D
21 REQUIREMENTS. THERE ARE GOING TO BE ADDITIONAL ONES
22 PROMULGATED LATER FOR INDUSTRIAL SITES.

23 AT ANY RATE, I JUST WANTED TO BRIEF THE
24 BOARD REALLY QUICKLY ON THAT AND LET THEM KNOW THAT WE
25 ARE WORKING WITH STAFF, AND WE DO HAVE SOME CONCERNS ON



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1 THAT. WE'LL PROBABLY BE ADDRESSING THE BOARD ON SOME
2 SPECIFICS AS THESE REGULATIONS ACTUALLY COME UP IN THE
3 HEARING PROCESS. QUESTIONS?

4 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH FOR
5 ATTENDING. WE'RE HAPPY TO HEAR YOUR COMMENTS, AND I'M
6 SURE THAT OUR STAFF WILL TAKE DUE CONSIDERATION OF THEM.

7 MR. PETRIN: WE'VE BEEN REAL PLEASED WITH THE
8 COOPERATION WE'VE RECEIVED SO FAR.

9 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH, MR.
10 PETRIN.

11 IS THERE ANYONE ELSE FROM THE PUBLIC THAT
12 WOULD LIKE TO ADDRESS US ON THIS ISSUE? YES, SIR. WILL
13 YOU PLEASE STATE YOUR NAME, YOUR AFFILIATION, AND LET US
14 HEAR WHAT IT IS YOU HAVE TO SAY.

15 MR. HORTON: MY NAME IS TOM HORTON, SOLID WASTE
16 MANAGER FOR SAN JOAQUIN COUNTY, AND I'M ALSO A
17 REPRESENTATIVE OF GRCDA.

18 I JUST WANTED YOU TO KNOW THAT I WAS IN THE
19 AUDIENCE. I WAS HERE TO HEAR THE STAFF'S PRESENTATION ON
20 THIS AGENDA ITEM 3, AND WE WILL BE SUBMITTING WRITTEN
21 COMMENTS ON IT.

22 THE LAST TIME I ATTENDED A MEETING, YOU
23 THOUGHT THERE WASN'T ANYONE AVAILABLE IN THE AUDIENCE
24 THAT WAS INTERESTED. SO I JUST WANTED YOU TO KNOW THAT
25 WE ARE INTERESTED IN WHAT'S GOING ON.



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1 CHAIRMAN GALLAGHER: THANK YOU. WE'RE GLAD TO
2 KNOW YOU ARE HERE.

3 YES, SIR. WILL YOU PLEASE COME FORWARD,
4 STATE YOUR NAME AND YOUR AFFILIATION, AND LET US HAVE
5 YOUR COMMENTS.

6 MR. BATES: MY NAME IS PATRICK BATES. I'M
7 CURRENTLY ADMINISTRATIVE OFFICER FOR SAN BENITO COUNTY.
8 I'M ACTUALLY HERE FOR THE NEXT ITEM.

9 BUT IN LISTENING TO THIS SIGNIFICANT
10 DISCUSSION WITH REGARD TO SCALES OR NO SCALES, I'D JUST
11 LIKE TO PUT SOMETHING -- FOOD OUT FOR THOUGHT FOR YOU AND
12 YOUR STAFF.

13 AS YOU KNOW, SAN BENITO COUNTY LANDFILL
14 FALLS IN THE SMALL CATEGORY. WE HAVE A FEE STRUCTURE
15 WITH A PRIVATE OPERATOR. PICK UP, AND I DON'T CARE IF
16 YOU HAVE ONE HEFTY BAG OR YOU'VE GOT IT LOADED TO THE CAB
17 OF THE PICK UP, IT COSTS YOU \$5. A SCALE IS GOING TO
18 LOSE MONEY FOR THAT OPERATOR AND ULTIMATELY LOSE MONEY TO
19 THE COUNTY, WHICH WE GET A PERCENTAGE OF.

20 ALSO, WITH REGARD TO COMMERCIAL TRUCKS, AND
21 I THINK -- AND I CAN'T READ THE BOARD MEMBER'S NAME --
22 I'M IN THE PROCESS OF GETTING BIFOCALS -- THE DISCUSSION
23 ABOUT OPERATORS. I DON'T KNOW WHETHER THEIR TRUCK IS A
24 10-TON TRUCK, A 12-TON TRUCK, OR WHETHER IT COMPACTED OR
25 WHATEVER. WE HAVE A FEE STRUCTURE WITH THE PRIVATE



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1 OPERATOR SET UP BASED ON THOSE RATED TONNAGES. IF THAT
2 TRUCK COMES IN THERE LESS THAN FULLY LOADED, TOO BAD.

3 BOARD MEMBER ARAKALIAN: YOU'RE PRETTY MUCH
4 SAYING WHAT I WAS SAYING.

5 MR. BATES: EXACTLY. I JUST WANTED TO TAKE THE
6 OPPORTUNITY TO SUPPORT AND THANK YOU FOR WHAT YOU SAID
7 AND TO UNDERSCORE. THE SCALE REQUIREMENT IS PROBABLY
8 GOING TO KIND OF BE A DETRIMENT AS FAR AS REVENUE
9 PRODUCTION, LET ALONG THE SIGNIFICANT COST TO THE
10 OPERATOR TO INSTALL THAT SCALE AND THEN RECOVER THAT
11 COST.

12 BOARD MEMBER ARAKALIAN: I'D LIKE TO SAY ONE
13 THING, THOUGH. YOU'RE SAYING EXACTLY WHAT I SAID.
14 YOU'RE ALMOST LIKE MY COHORT HERE BECAUSE I WAS TALKING
15 ABOUT THE COST FACTOR THERE AND BEING IMPRACTICAL IN A
16 RURAL AREA, BUT I WANT YOU TO KNOW I MIGHT HAVE BEEN THE
17 ONE WHO SAID THAT. BUT IF YOU COME TO OUR MEETINGS OFTEN
18 ENOUGH, YOU WILL FIND THAT EVERY MEMBER OF THIS BOARD IS
19 VERY AWARE OF THE DIFFERENCE IN THE PROBLEMS, WHETHER IT
20 BE IN LANDFILLS OR ANY OTHER PART OF THIS TRASH BUSINESS,
21 BETWEEN THE RURAL AND CONGESTED AREAS.

22 WE DO DO OUR BEST TO TRY TO DIFFERENTIATE
23 AND SOMETIMES IT'S DIFFICULT BECAUSE THE RULE OR THE LAW
24 OR THE REGULATION IS STATEWIDE, AND IT GETS -- IT'S NOT
25 TOO EASY TO SAY, "LET'S HAVE ONE FOR THE RURAL FOR THE

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1 THING, BUT WE DO TRY." KNOW THAT WE'RE NOT SORT OF LIKE
2 DUMBBELLS AND SAY, "LET'S MAKE IT ALL WORK THE SAME."

3 MR. BATES: I DIDN'T MEAN --

4 BOARD MEMBER ARAKALIAN: I DIDN'T SAY YOU DID.
5 I DIDN'T WANT TAKE CREDIT FROM YOU AS BEING THE GUY WHO
6 WAS SAYING THAT WHEN I KNOW THE REST OF US -- AT
7 DIFFERENT TIMES OTHER PEOPLE HAVE SAID THE VERY SAME
8 THING.

9 MR. BATES: I DON'T HAPPEN TO GET HERE VERY
10 OFTEN, SORRY TO ATTEST THAT PROBABLY ABOUT ONCE EVERY
11 THREE YEARS. TO THIS BOARD, I'M HERE FREQUENTLY.

12 BOARD MEMBER ARAKALIAN: WHAT AREA ARE YOU FROM?

13 MR. BATES: SAN BENITO COUNTY, HOLLISTER.

14 BOARD MEMBER ARAKALIAN: HOLLISTER? I ONCE HAD
15 A BIKE RIDE IN 1945 OR SO.

16 MR. BATES: JUST ONE LAST THING AND THEN I'LL
17 MOVE ON. YOU TALK ABOUT ONE SET OF REGULATIONS FOR THIS
18 GROUP AND ANOTHER SET FOR ANOTHER GROUP OR YOU HAVE TO
19 APPLY STATEWIDE. IT'S THE AGE-OLD QUESTION THAT BETWEEN
20 COUNTIES AND MEMBER BROWN -- SUPERVISOR BROWN HAS HEARD
21 IT SAID MANY TIMES BEFORE, BUT IT BEARS REPEATING. IT
22 JUST SEEMS MANY TIMES WHEN LOS ANGELES COUNTY GETS A
23 HEADACHE, WE AND ALPINE COUNTY ARE FORCED TO TAKE THE
24 ASPIRIN.

25 WITH THAT, I'LL CONCLUDE. UNLESS THERE ARE



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1 QUESTIONS.

2 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

3 WE ARE OUT OF ORDER ON AGENDA ITEMS AND
4 PARTLY TO ACCOMMODATE THE TIME FRAME TO ADJOURN FOR
5 LUNCH. AND WE WILL GO BACK TO ITEM NO. 2 AFTER LUNCH,
6 BUT WE'D LIKE TO PROCEED NOW AND TAKE ITEM NO. 4, WHICH
7 IS, I BELIEVE, THE ITEM THAT YOU CAME UP HERE ORIGINALLY
8 TO APPEAR ON. SO ARE YOU PREPARED FOR ITEM NO. 4?

9 MR. IWAHIRO: YES, MR. CHAIRMAN. THIS IS
10 CONSIDERATION OF SAN BENITO SOLID WASTE MANAGEMENT PLAN
11 REVIEW REPORT, AND MR. CY ARMSTRONG OF OUR STAFF FROM
12 PLANNING IS HERE TO PRESENT THE ITEM.

13 MR. ARMSTRONG: GOOD MORNING, MR. CHAIRMAN,
14 BOARD MEMBERS. AS WAS STATED, THIS IS THE SAN BENITO
15 COUNTY TRIENNIAL PLAN REVIEW REPORT.

16 THE COUNTY REVISED THEIR PLAN LAST IN
17 AUGUST OF 1985. THE BOARD APPROVED THAT.

18 IN AUGUST OF THIS YEAR, THE COUNTY
19 SUBMITTED A PLAN REVIEW REPORT, INDICATING THAT THEIR
20 PLAN WAS OUT OF DATE, AND THEY WOULD LIKE TO REVISE IT AT
21 THIS TIME.

22 SAN BENITO COUNTY IS A SMALL COUNTY LOCATED
23 APPROXIMATELY 200 MILES SOUTHWEST OF SACRAMENTO. THE
24 POPULATION OF THE COUNTY IS APPROXIMATELY 33,000 PEOPLE.
25 THERE ARE TWO INCORPORATED CITIES IN THE COUNTY, WITH THE

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1 CITY OF HOLLISTER SERVING AS THE COUNTY SEAT. THE
2 ECONOMY OF THE COUNTY IS BASED MOSTLY ON AGRICULTURE AND
3 RELATED INDUSTRIES.

4 THE SAN BENITO COUNTY ADMINISTRATIVE OFFICE
5 HAS A UNIQUE SITUATION OF BEING THE PLAN LIAISON, A
6 POSITION THAT THEY ARE GOING TO CHANGE AND GIVE THE
7 RESPONSIBILITY TO THE PUBLIC WORKS DEPARTMENT IN THE
8 UPCOMING PLAN REVISION.

9 THE COUNTY'S ENVIRONMENT HEALTH DEPARTMENT
10 ACTS AS THE LEA, ENFORCING RULES AND REGULATIONS FOR
11 SOLID WASTE IN THE COUNTY. THE COUNTY'S DISPOSAL PROGRAM
12 IS FINANCED BY A COMBINATION OF USERS FEES AND GATE FEES.

13 THE ENFORCEMENT ACTIONS IN THE COUNTY ARE
14 FINANCED BY A CONTRACT BETWEEN THE COUNTY HEALTH
15 DEPARTMENT AND THE STATE DEPARTMENT OF HEALTH SERVICES,
16 WHICH IS COMMON AMONG THE SMALL COUNTIES UNDER 40,000
17 POPULATION.

18 TWO FRANCHISE CONTRACTORS IN THE COUNTY
19 PROVIDE WASTE COLLECTION FOR THE INCORPORATED AND
20 UNINCORPORATED AREAS, AND THERE IS A SINGLE LANDFILL IN
21 THE COUNTY, THE JOHN SMITH LANDFILL. IT IS A 68-ACRE
22 FACILITY THAT IS OWNED BY THE COUNTY, WAS FORMALLY
23 OPERATED BY THE CITY OF HOLLISTER, AND THE OPERATION OR
24 RESPONSIBILITY FOR THE OPERATION HAS NOW REVERTED TO THE
25 COUNTY OF SAN BENITO. AND THE COUNTY HAS HIRED A PRIVATE

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1 OPERATOR TO DO THE PHYSICAL OPERATION OF THE LANDFILL.

2 COMPLETE INFORMATION AS FAR AS THE WASTE
3 RECEIVED AND THE SITE LIFE OF THE FACILITY WILL BE
4 DEVELOPED DURING THE UPCOMING PLAN REVISION.

5 THERE IS A MINIMUM AMOUNT OF RESOURCE
6 RECOVERY DONE IN THE COUNTY. IT IS A SMALL COUNTY;
7 HOWEVER, THERE IS A LARGE ROOFING PAPER MANUFACTURER IN
8 HOLLISTER THAT TAKES CARDBOARD AND NEWSPRINT AND TURNS IT
9 INTO TARPAPER.

10 RECYCLING, HOLLISTER ALSO RECYCLES COPPER,
11 ALUMINUM, AND GLASS, ETC. THE BEVERAGE CONTAINER, AB
12 2020 PROGRAM, IS NOW BEING ANALYZED BY THE COUNTY AS ITS
13 IN INITIAL STAGES. AGAIN, ON RECYCLING, FURTHER
14 INFORMATION WILL BE DEVELOPED DURING THE UPCOMING PLAN
15 REVISION.

16 THERE ARE SEVERAL CURRENT ISSUES.
17 COMPLETION OF THE CALDERON AND SUBCHAPTER 15 REQUIREMENTS
18 FOR THE COUNTY LANDFILL ARE NOW BEING COMPLETED.
19 EVALUATION OF AN ALTERNATIVE PROGRAM FOR SEPTAGE AND
20 SLUDGE DISPOSAL AND TRANSFER, AS I MENTIONED PREVIOUSLY,
21 OF THE RESPONSIBILITY FOR THE PLAN LIAISON FROM THE
22 COUNTY ADMINISTRATIVE OFFICER TO THE DEPARTMENT OF PUBLIC
23 WORKS.

24 THERE HAVE BEEN SEVERAL IMPROVEMENTS TO THE
25 SYSTEM SINCE THE LAST REVISION IN 1985, WHICH INCLUDE THE



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1 COUNTY ASSUMING OPERATION OF THE JOHN SMITH LANDFILL,
2 WHICH GIVES THEM GREATER CONTROL OVER THE OPERATION OF
3 THIS FACILITY. A NEW CONTRACTOR HAS BEEN ENGAGED TO
4 OPERATE THE LANDFILL PHYSICALLY AND IMPROVED COMPACTION
5 HAS BEEN DONE IN THE LANDFILL OPERATION PROCEDURES.

6 IN SUMMARY, THE COUNTY HAS PRESENTED THEIR
7 PLAN AND INDICATING THAT THEY WOULD LIKE TO REVISE THE
8 COUNTY AT THIS TIME IN MOST AREAS. BOARD STAFF HAS
9 VISITED THE COUNTY, WE'VE ANALYZED THE REPORT, ANALYZED
10 THEIR PLAN, LOOKED AT THEIR SITE, AND TALKED WITH OTHER
11 COUNTY OFFICIALS, AND AGREE WITH THE COUNTY THAT THE PLAN
12 DOES NEED REVISING.

13 THEREFORE, BOARD STAFF WOULD RECOMMEND THAT
14 THE PLAN REPORT BE ACCEPTED AND THE REVISION BE MADE IN A
15 NUMBER OF AREAS LISTED ON THE PAGES 70 AND 71 OF YOUR
16 BOARD PACKET. YOU HAVE ALREADY MET MR. PAT BATES. IF
17 THE BOARD HAS NO QUESTIONS OF ME, MR. BATES IS READY FOR
18 QUESTIONS, AND I THINK WAS GOING TO MAKE A SHORT
19 PRESENTATION. PAT, CAN YOU STEP UP, PLEASE?

20 CHAIRMAN GALLAGHER: THANK YOU, MR. ARMSTRONG.
21 ANY QUESTIONS OF MR. ARMSTRONG? MR. BATES.

22 MR. BATES: THE ONLY PRESENTATION, JUST A FEW
23 SHORT COMMENTS. AND I THINK CY WILL CONCUR THAT PROBABLY
24 THE BEST THING IN THE WORLD THAT HAPPENED WAS WHEN THE
25 COUNTY OF SAN BENITO GOT ITS DIVORCE FROM THE CITY OF



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1 HOLLISTER FOR ITS LANDFILLING.

2 DURING THOSE YEARS, WITH THE CITY AS THE
3 OPERATOR, WE SHARED ON A PERCENTAGE BASIS THE, QUOTE,
4 PROFITS OR LOSSES. WELL, IN THE TEN-PLUS YEARS THAT I
5 WAS THERE DURING THAT RELATIONSHIP, THERE WAS NEVER A
6 PROFIT TO SHARE.

7 SINCE WE HAVE SINCE SEPARATED AND WE HAVE
8 ENGAGED OR CONTRACTED OVER A LONG-TERM PERIOD WITH A
9 PRIVATE OPERATOR, RECEIVING A PERCENTAGE OF THEIR GROSS,
10 ALSO MAKING THEM RESPONSIBLE FOR COMPLIANCE WITH
11 APPLICABLE STATE LAWS AND THINGS LIKE THAT, WE ARE
12 RECEIVING MONIES EVERY YEAR THAT WE DESIGNATE INTO A
13 RESERVE ACCOUNT INTO OUR BUDGET THAT IS DESIGNATED
14 "RESERVE FOR FUTURE LANDFILL ACQUISITION AND COMPLIANCE
15 WITH LAW."

16 I WANTED TO BRING THAT OUT THAT, NO. 1, AND
17 PRIVATIZATION DOES WORK AND, ALSO, THAT COUNTIES, I
18 THINK, IN MOST CASES ARE RESPONSIBLE. AND WHEN THEY
19 RECEIVE SPECIALIZED REVENUES FROM A FUNCTION SUCH AS
20 THIS, DO THE RESPONSIBILITY THING AND EARMARK AND
21 DESIGNATE THOSE REVENUES TO PUT THEM BACK INTO THE
22 FUNCTION FROM WHENCE THEY CAME.

23 AND I WOULD JUST LIKE TO CONCLUDE BY
24 ACKNOWLEDGING CY. ALL HIS HELP AND ASSISTANCE AND HE'S
25 JUST A SUPER GUY TO WORK WITH, AND THANKS TO HIM THAT WE



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1 GOT THIS DONE. THANK YOU, CY. UNLESS THERE ARE
2 QUESTIONS.

3 CHAIRMAN GALLAGHER: THANK YOU, MR. BATES. ANY
4 QUESTIONS? MR. BEAUTROW.

5 BOARD MEMBER BEAUTROW: MR. BATES, THERE'S BEEN
6 A LOT OF TALK ABOUT THE 2448, THE CLOSURE/POSTCLOSURE
7 BUSINESS. AND I WOULD BE VERY INTERESTED WITH A SMALL
8 COUNTY, SUCH AS YOURS, IF YOU ARE COGNIZANT, AWARE OF THE
9 FINANCIAL IMPLICATIONS. AND I DON'T KNOW AT THIS TIME
10 ABOUT THE CLOSURE OF THE HOLLISTER LANDFILL OR WHEN THAT
11 MIGHT BE, BUT, I MEAN, TO PUT THE MONEY ASIDE AND I HOPE
12 THAT THROUGH THIS WHOLE PROCESS YOU WILL COME TO A FULL
13 UNDERSTANDING OF THE IMPLICATIONS OF THIS AND THE
14 SET-SIDES THAT ARE NECESSARY AND THE FINANCIAL
15 RESPONSIBILITY. BECAUSE WE'RE REALLY INTERESTED IN
16 SEEING WHAT THE PROBLEMS OF A SMALL COUNTY ARE VERSUS LOS
17 ANGELES COUNTY.

18 SO ARE YOU PERSONALLY AWARE OF THE
19 IMPLICATIONS OF THIS AS FAR AS YOUR COUNTY IS CONCERNED?

20 MR. BATES: NOT IN SPECIFIC DETAIL. BUT LET ME
21 SPEAK IN GENERALITIES. THANK YOU FOR THE PLATFORM,
22 MEMBER BEAUTROW.

23 RIGHT NOW, A LOT OF THIS MONEY THAT WE HAVE
24 DESIGNATED IS GOING TO GO TO PROBABLY SATISFYING SOME
25 REQUIREMENTS OF SOME THINGS THAT HAVE BEEN DISCOVERED AS



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1 A RESULT OF THE SWAT TESTING.

2 AS FAR AS POSTCLOSURE AND SOME OF THESE
3 OTHERS, WE HAVEN'T ANALYZED THEM IN DETAIL. I CAN TELL
4 YOU RIGHT NOW THAT OUR COUNTY AND PROBABLY OTHER COUNTIES
5 OF SIMILAR SIZE -- AND PARDON MY VERY FRANKNESS -- THERE
6 IS NO WAY IN HELL THAT WE'RE GOING TO FIND THE MONEY TO
7 DO THESE THINGS. THERE JUST IS NO WAY.

8 WE HAVE A SPECIAL PROBLEM. WE HAVE A CLASS
9 ONE CELL, AS ANY OF YOU WHO HAVE READ THE FORMER PLAN
10 DURING THE CITY'S OPERATION -- I WON'T GO INTO ALL THE
11 DETAILS OF WHAT HAPPENED -- BUT, ANYWAY, IT WAS CLOSED
12 DOWN. THEY DIDN'T COMPLY WITH SOME RCRA REQUIREMENTS AND
13 STATE DEPARTMENT OF HEALTH SERVICE REQUIREMENTS LIKE
14 THAT.

15 SO OVER THE LAST FOUR YEARS, MY BOARD OF
16 SUPERVISORS, AGAINST MY ADVICE, WHEN THIS THING ALL
17 STARTED, VERY GENEROUSLY SAID, "WELL, WE OWN IT. EVEN
18 THOUGH YOU OPERATED IT, WE SHOULD SHARE 50-50 THE COST OF
19 CLOSING, YOU KNOW, THIS LITTLE CLASS ONE CELL DOWN." YOU
20 KNOW, IT'S -- THERE'S TWO PONDS AND ONE HASN'T BEEN USED,
21 AND THE ONE THAT'S BEEN USED IS NO BIGGER THAN THIS ROOM.

22 TO DATE THERE HASN'T BEEN ONE SPOONFUL OF
23 CONTAMINATED SOIL MOVED FROM THAT, AND THE CITY AND THE
24 COUNTY HAVE JOINTLY SPENT CLOSE TO \$900,000. AND TO THIS
25 DATE THE EPA, THE DEPARTMENT OF HEALTH SERVICES, REGIONAL

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1 WATER QUALITY BOARD, AND NOW I HEAR RUMORS THAT THIS
2 AGENCY MAY BE SNIFFING AROUND WANTING TO SEE IF THEY WANT
3 TO GET INVOLVED IN IT, CAN'T AGREE ON WHAT WE'RE SUPPOSED
4 TO DO TO CLOSE THAT.

5 SO TO GET BACK AROUND TO ANSWER YOUR
6 QUESTION, WE HAVEN'T GOT A CLUE AS TO HOW WE'RE GOING TO
7 FINANCE WHAT YOU ARE TALKING ABOUT BECAUSE WE DON'T EVEN
8 HAVE A CLUE OF WHAT WE HAVE FACING US RIGHT NOW.

9 WE HAVE -- WE THINK WE HAVE RAISED OUR
10 RATES TO THE POINT JUST TO PAY FOR THE SWAT WORK, YOU
11 KNOW, THE TESTS THAT HAD BEEN SUBMITTED. AS FAR AS THE
12 WORK THAT'S GOING TO HAVE TO BE DONE, WE DON'T KNOW WHERE
13 THAT'S GOING TO COME FROM. WE WENT TO THE STATE WATER
14 BOARD, APPLYING FOR SOME OF THEIR GRANTS THAT WE THOUGHT
15 FIT THIS. WE WERE TOLD NOBODY WAS HOME THERE, AND SO
16 HERE WE ARE. WE GO AROUND IN CIRCLES, AND I GUESS, TO
17 QUOTE THE ENGLISH, WE'LL MUDDLE THROUGH SOMEHOW. I DON'T
18 KNOW IF THAT'S THE ANSWER TO YOUR QUESTION OR NOT.
19 I DON'T MEAN TO BE FLIP AT ALL.

20 BOARD MEMBER BEAUTROW: WE NEED TO HELP YOU AND
21 TO UNDERSTAND THIS, AND I SAW SOMETHING RECENTLY FROM SAN
22 DIEGO COUNTY THAT SAID -- IT WAS A MEMO TO THE BOARD OF
23 SUPERVISORS THAT SAYS, YOU KNOW, WE'VE GOT 55 MILLION
24 TONS OF CAPACITY LEFT AND WE'VE SO MANY TONS OF GARBAGE,
25 DIVIDE ALL THIS OUT. AND WE'RE GOING TO HAVE TO ASSESS

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1 \$1.40 PER TON TO CLOSE THE LANDFILLS.

2 WELL, YOU DON'T HAVE THE LUXURY OF THE
3 VOLUMES. WHAT IS YOUR RATE? DO YOU HAVE A PUBLISHED
4 RATE? I MEAN, IS IT IN THE ORDER OF \$10 A TON OR \$5 A
5 TON? ARE YOU AWARE OF THE --

6 MR. BATES: I DON'T THINK -- I COULDN'T TELL YOU
7 THE COMMERCIAL PART OF IT. IT'S IN OUR AGREEMENT. I
8 DON'T HAVE IT WITH ME. I APOLOGIZE FOR NOT BRINGING IT.
9 AS I SAY, MOST OF IT IS BASED ON VOLUME. YOU KNOW,
10 THERE'S A SET RATE FOR A 12-TON TRUCK, A PICKUP. YOU
11 BRING AN OLD TIRE, THAT TIRE COSTS YOU \$5.

12 BOARD MEMBER BEAUTROW: SO YOU PROBABLY UNITIZED
13 RATES OR WHATEVER. I JUST WANTED YOU TO BE AWARE OF
14 THIS.

15 MR. BATES: I THINK WE'RE AWARE AND WE'RE TRYING
16 TO IGNORE IT BECAUSE WE DON'T FEEL AT THIS TIME THAT WE
17 CAN RAISE THE RATES ANYMORE BECAUSE ALL WE'RE GOING TO BE
18 DOING IS WE'RE GOING TO BE ENCOURAGING MORE PEOPLE TO
19 DUMP ALONG THE ROADS AND THE RIVERBANKS.

20 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

21 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

22 BOARD MEMBER BREMBERG: THE GENTLEMAN FROM THE
23 BOARD OF EQUALIZATION YESTERDAY WAS USING, AND WITH GREAT
24 GLEE IT SEEMED TO ME, A DOLLAR SEVENTY CENTS A TON
25 ADDITIONAL FEES FOR -- TO MEET THE REQUIREMENTS OF 2448.



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1 AND WE KIND OF CHALLENGED THAT, BUT HE KEPT SAYING,
2 "WELL, AFTER IT'S ALL SHAKEN DOWN AND AFTER EVERYBODY'S
3 BEEN IN OPERATION FOR A YEAR, IT PROBABLY WILL BE \$1.70
4 THAT THEY WOULD ASSESS.

5 CHAIRMAN GALLAGHER: LET ME TELL YOU YOU'RE NOT
6 THE ONLY COUNTY HAS SOME FRUSTRATIONS. --MR. BROWN AND MS.
7 BREMBERG AND THE LEAGUE OF CITIES AND COUNTY SUPERVISORS
8 GROUP MET YESTERDAY WITH US TO DISCUSS SOME OF THOSE
9 DILEMMAS. OUT OF THAT DISCUSSION, I'M NOT SURE WHAT WILL
10 COME, BUT THERE IS AN AWFUL LOT OF CONCERN, AN AWFUL LOT
11 OF ATTENTION BEING PAID TO THAT. I SEE MR. BROWN JUST
12 PUT HIS LIGHT ON.

13 BOARD MEMBER BROWN: NO. I DON'T HAVE ANYTHING
14 IN PARTICULAR. I'M JUST WONDERING WHAT IS THE CLOSURE
15 DATE OF THE SITE IN SAN BENITO?

16 MR. BATES: THE LATEST STUDY THAT WE HAVE IN
17 SOME OF THE FORMER REPORTS AND INFORMATION YOU HAVE AND
18 IT'S BEEN PUBLISHED LOOKS LIKE IT'S EIGHT YEARS OR LESS.
19 OUR CURRENT OPERATOR HAD AN ENGINEERING STUDY DONE. I
20 THINK -- I DON'T KNOW ALL THE TECHNICAL TERMS. YOU KNOW
21 CAO'S DON'T KNOW ANYTHING TECHNICAL. BUT, ANYWAY, AND I
22 THINK THAT I EVEN GAVE YOU A COPY OF THE PAGE, CY, THAT
23 THEY INDICATED THAT OUR SITE HAS A REMAINING LIFE OF 40
24 YEARS. I FIND THAT HARD TO BELIEVE. I'D SAY CUT IT IN
25 HALF AND THEN MAYBE --

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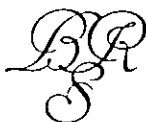
1 BOARD MEMBER BROWN: IS THAT SITE EXPANDABLE,
2 BOTH POLITICALLY AND FROM THE STANDPOINT OF THE PHYSICAL
3 SITE ITSELF?

4 MR. BATES: WELL, SOME OF US THINK SO. SOME OF
5 US THINK SO. THERE WAS A MOVE SOME YEARS AGO, WHEN THE
6 CITY AND COUNTY WERE IN RELATIONSHIP, WE WERE GOING TO
7 BUY AN ADJOINING PIECE OF LAND, A CANYON. THE OWNER WAS
8 WILLING TO GIVE VERY FAVORABLE TERMS BECAUSE IT WAS PART
9 OF AN ESTATE AND HE NEEDED SOME CASH UP FRONT, BUT HE
10 NEEDED DEFERRED CASH AND IT WAS GOING TO BE SWEET DEAL,
11 AND THEN ALL AT ONCE OUR PARTNER SAID, "WELL, NO. YOU
12 SHOULD BUY IT."

13 BOARD MEMBER BROWN: THE POINT I WANT TO GET TO
14 IS AND I CERTAINLY AM SYMPATHETIC TO THE RURAL COUNTY'S
15 PLIGHT, BUT THERE ARE SOME METHODS BY WHICH RURAL
16 COUNTIES CAN DIFFUSE A GOOD DEAL OF THE EXPENSES, AT
17 LEAST DIFFUSE THE EXPENSE BY DIVIDING INTO THAT EXPENSE A
18 GOODLY NUMBER OF YEARS, WHICH REDUCES YOUR YEARLY
19 CONTRIBUTION.

20 ONE OF THE REASONS YOU CAN DO THAT IS
21 BECAUSE YOU ARE RURAL, WHICH ALLOWS EXPANSION OF CURRENT
22 SITES MORE READILY THAN URBANIZED AREAS. NOW, THAT'S NOT
23 TO MAKE A JUDGMENT IN YOUR CASE. MAYBE POLITICALLY IT
24 JUST WILL NOT FLY.

25 THERE ARE OTHER APPROACHES BEING CONSIDERED



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1 BOTH BY THIS BOARD AND OTHERS WITH RESPECT WHAT THEY CALL
2 SYSTEMS APPROACHES WHERE YOU MIGHT AVERAGE ALL YOUR
3 LANDFILL SITES AND COME UP WITH AN AVERAGE CLOSURE DATE
4 AND SO FORTH AND SO ON. ANYWAY, BE ASSURED THAT THIS
5 BOARD, AS MR. ARAKALIAN HAS STATED, AND I'M SURE THE REST
6 OF US HAVE STATED, SYMPATHETIC TO THAT PROBLEM OF LOW
7 TONNAGE. WE'VE GOT 26 COUNTIES IN THIS STATE THAT HAVE
8 THAT PROBLEM, AND SO WE'RE TRYING TO DO SOMETHING ABOUT
9 IT AND WORK WITH YOU.

10 MR. BATES: WE ARE FRANKLY, WITH REGARD TO A NEW
11 SITE, WHENEVER IT COMES ABOUT, WE HAVE HAD SOME
12 PRELIMINARY DISCUSSIONS, AND I'M NOT AT LIBERTY TO GO
13 INTO A LOT OF DEPTH, BUT WE'RE LOOKING MORE IN THE
14 DIRECTION OF THE CURRENT OPERATOR PURCHASING THE NEW SITE
15 WHEN AND IF IT BECOMES NECESSARY. I GUESS YOU MIGHT SAY
16 MOVING TOWARDS A TOTAL PRIVATIZATION BECAUSE IT'S NO
17 BARGAIN BEING IN THE BUSINESS, OWNER OR OTHERWISE.

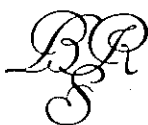
18 CHAIRMAN GALLAGHER: THANK YOU AGAIN, MR. BATES.

19 MR. BATES: THANK YOU.

20 BOARD MEMBER VARNER: MR. CHAIRMAN.

21 CHAIRMAN GALLAGHER: YES.

22 BOARD MEMBER VARNER: I WOULD JUST LIKE TO MAKE
23 A COUPLE OF COMMENTS. AND THANK YOU, MR. BATES, FOR
24 AGAIN BRINGING VERY CLEARLY TO THIS BOARD THE PROBLEMS
25 THAT RURAL COUNTIES HAVE.



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1 AND I WOULD JUST REITERATE SOMETHING, AND
2 MY OWN COUNTY OF KERN COUNTY ALL THE DUMPS ARE OPERATED
3 AND OWNED BY THE COUNTY. IT'S ONE OF THE LARGEST
4 COUNTIES, BUT A LARGE PORTION OF IT IS RURAL. IN OTHER
5 WORDS, YOU ONLY HAVE ONE CONSOLIDATED METROPOLITAN AREA
6 THAT THREE-FOURTHS OR LARGER OF IT IS RURAL. AND 2448
7 ALONE IS A MAJOR, MAJOR PROBLEM FOR THEM. AND IF YOU
8 PILE, THEN, A BUNCH OF ADDITIONAL PROBLEMS ON TOP OF IT,
9 YOU JUST CREATED CHAOS IN AN AREA.

10 AND, AS HE POINTED OUT, WHERE YOU HAVE THE
11 LARGEER THE RURAL COUNTY AND THE MORE THESE STRINGENT
12 THINGS THAT ARE PASSED ON, THEN YOU HAVE ANOTHER PROBLEM
13 OF ILLEGAL DUMPING THAT IS GOING TO BE EXTREMELY COSTLY
14 IN ITSELF, AND IT JUST GOES ON AND ON AND ON. SO I
15 UNDERSTAND THE BOARD OF EQUALIZATION'S DESIRE TO SIMPLIFY
16 THEIR JOB, AND IT'S ENTIRELY POSSIBLE THAT WITH VOTING
17 POWER OF THE MUNICIPAL AREAS, SUCH AS LOS ANGELES AND SO
18 FORTH, THEY MAY CRAM THIS DOWN EVERYBODY'S THROAT.

19 MY GOD, IT'S GOING TO BE DEVASTATING AND
20 EVERYBODY BETTER UNDERSTAND THAT IF THEY'RE GOING TO DO
21 THAT, THEY BETTER GIVE RURAL COUNTY AREAS PLENTY OF TIME
22 TO ADJUST TO THIS OR YOU'RE JUST GOING TO CREATE CHAOS.

23 CHAIRMAN GALLAGHER: THANK YOU. THANK YOU
24 AGAIN. WE'VE HAD A REQUEST BY STAFF THAT WE ADOPT
25 RESOLUTION 88-67.



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1 BOARD MEMBER VARNER: SO MOVED.

2 BOARD MEMBER BREMBERG: SECOND.

3 CHAIRMAN GALLAGHER: IT'S MOVED AND SECONDED WE
4 ACCEPT STAFF'S RECOMMENDATION AND ADOPT RESOLUTION 88-67.
5 ALL THOSE IN FAVOR? OPPOSED? CARRIED AND SO ORDERED.

6 WE ARE NOW AT THE TIME WHEN WE CAN CONSIDER
7 LUNCH BEFORE WE GO ON TO ANOTHER ITEM. ARE YOU PREPARED
8 TO TAKE UP ITEM 5, WHICH, AGAIN, APPEARS TO BE ONE THAT
9 WE CAN HANDLE IN A REASONABLE PERIOD BEFORE LUNCH.

10 MR. EOWAN: WE COULD DO THAT OR SEVEN, STATUS OF
11 COUNTY SOLID WASTE MANAGEMENT PLANS. HE'S THE ONE THAT
12 HAD THE PROBLEM WITH EL DORADO COUNTY. SO WE PROBABLY
13 WANT TO SKIP THAT ONE.

14 CHAIRMAN GALLAGHER: LET'S MOVE TO SEVEN.

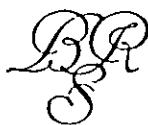
15 MR. OLDALL: THIS IS OUR USUAL ITEM, MR.
16 CHAIRMAN, AND GEORGE LARSON FROM THE RESOURCE
17 CONSERVATION PLANNING DIVISION WILL PROVIDE THE BOARD
18 WITH THEIR REGULAR UPDATE ON THE STATUS OF THE COUNTY
19 SOLID WASTE MANAGEMENT PLANS.

20 MR. LARSON: MR. CHAIRMAN, MEMBERS, GOOD
21 MORNING. I'M PLEASED TO REPORT, AS OVER THE LONG PERIOD
22 OF TIME THESE PRESENTATIONS HAVE BECOME A LITTLE SHORTER,
23 AND THE RESULT IS -- THE CAUSE OF THAT IS THAT WE HAVE SO
24 MANY MORE COUNTIES THAT ARE IN COMPLIANCE. SO I THINK
25 THIS WHOLE EFFORT ON A CONTINUING BASIS HAS PROVED TO BE

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1 VERY BENEFICIAL.

2 FOR TODAY, I'LL REPORT TO YOU THAT --
3 DIRECTING YOUR ATTENTION TO THE SCREEN -- THAT 50 COUNTY
4 SOLID WASTE MANAGEMENT PLANS ARE CURRENT AND COMPLETE AS
5 OF TODAY. THEY'RE LISTED ON PAGE 135 OF YOUR PACKET.

6 AS THE BOARD MAY RECALL, THE SACRAMENTO
7 COUNTY SOLID WASTE MANAGEMENT PLAN WAS APPROVED --
8 PARTIALLY APPROVED, AND STAFF HAS RECEIVED A REVISED
9 DRAFT OF THAT WITH THE RECOMMENDED CHANGES. WE'LL BE
10 COMMENTING BACK TO THE COUNTY OF SACRAMENTO WITHIN THE
11 NEXT WEEK.

12 THE SUTTER/YUBA REVISION WILL BE CONSIDERED
13 AT THE BOARD'S JANUARY MEETING, WHICH WILL BRING THEM
14 INTO COMPLIANCE AND INTO A CURRENT STATUS.

15 THERE ARE FIVE COUNTY SOLID WASTE
16 MANAGEMENT PLANS THAT ARE DELINQUENT AS OF TODAY. AND,
17 AS WE'RE ALL FAMILIAR, TOO FAMILIAR, THE CONTRA COSTA
18 COUNTY SOLID WASTE MANAGEMENT PLAN IS CURRENTLY UNDER
19 NEGOTIATIONS BETWEEN OUR BOARD, THE ATTORNEY GENERAL'S
20 OFFICE, AND LOCAL OFFICIALS FROM CONTRA COSTA COUNTY.

21 I HAVE SEVERAL BITS OF INFORMATION TO
22 PROVIDE ON THAT. I'LL TRY TO FILL THAT IN WITH YOU NOW.
23 ON FRIDAY, TOMORROW, IT'S SCHEDULED THAT THE COUNTY
24 COUNSEL FROM CONTRA COSTA COUNTY WILL MEET IN OUR OFFICES
25 HERE WITH OUR STAFF COUNSEL AND ALSO THE REPRESENTATIVE

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1 COUNSEL FROM THE ATTORNEY GENERAL'S OFFICE.

2 I HAVE SPOKEN -- AND THE INTENT OF THAT
3 MEETING IS TO DISCUSS THE REVISED PLAN AND OUR RESPONSES
4 OR INITIAL RESPONSES TO THE REVISED PLAN AFTER THE
5 ACTIONS TAKEN BY THE COUNTY AS A RESULT OF THE REFERENDUM
6 VOTE ON NOVEMBER 8TH.

7 I'VE SPOKEN WITH SEVERAL CITIES IN THE
8 COUNTY, AND THE -- TO PORTRAY JUST THE GENERAL RESPONSE
9 OR THE SITUATION IN THE CITIES IS THAT THEY ARE WAITING
10 TO GET SOME FEEDBACK ON WHAT OUR BOARD'S RESPONSE IS AND
11 WHAT THE ATTORNEY GENERAL'S OFFICE NEXT ACTION WILL BE
12 BEFORE THEY TAKE AN ACTION TO VOTE AND APPROVE AND SUBMIT
13 ANOTHER PLAN FOR OUR REVISION.

14 ALSO OF INTEREST, YOU MAY FIND OF INTEREST
15 IS THAT WE WERE CONTACTED BY THE OFFICE OF EMERGENCY
16 SERVICES FOR INFORMATION REGARDING THE SITUATION OF THE
17 COUNTY SOLID WASTE MANAGEMENT PLAN IN CONTRA COSTA
18 COUNTY. THE COUNTY APPARENTLY HAD CONTACTED OES TO MAKE
19 A DETERMINATION AS TO WHETHER THE COUNTY OF CONTRA COSTA
20 WOULD QUALIFY AS BEING IN A STATE OF EMERGENCY, WHICH
21 WOULD GIVE IT CERTAIN, I BELIEVE, DISTINCT ADVANTAGES IN
22 HAVING TO DEAL WITH CERTAIN REQUIREMENTS OF LAW.

23 THE INFORMATION WE PROVIDED THEM -- WE WERE
24 INFORMED BY OES THAT THEY MADE A DETERMINATION THAT THEY
25 COULD NOT FIND A CONDITION OF AN EMERGENCY IN CONTRA

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1 COSTA COUNTY IN THE SOLID WASTE AREA. ONE OF THE BASIC
2 PRINCIPAL REASONS IS THAT EMERGENCY -- ONE OF THE
3 CRITERIA FOR DETERMINATION OF AN EMERGENCY IS FAILURE TO
4 MEET -- HAVING TO DEAL WITH AN UNFORESEEN CIRCUMSTANCE.

5 AND, AS WE'VE CLEARLY INDICATED IN THE
6 PAST, THAT THERE ISN'T ANYTHING UNFORESEEN ABOUT THE
7 SITUATION FACED IN THAT COUNTY.

8 GOING ON TO OTHER COUNTIES, HUMBOLDT COUNTY
9 RECENTLY SUBMITTED THEIR PLAN. THEY WERE DELINQUENT.
10 WE'LL BE BRINGING THAT PLAN BACK TO THE BOARD FOR THE
11 BOARD CONSIDERATION AT THE FEBRUARY BOARD MEETING.

12 AND THE THREE REMAINING PLANS THAT HAVE
13 RECENTLY BECOME DELINQUENT ARE DEL NORTE, SAN MATEO, AND
14 SISKIYOU COUNTY. WE HAVE CONTACTED EACH OF THE LOCAL
15 OFFICIALS THERE, AND TODAY WE WOULD INFORM THE BOARD OF
16 THEIR DELINQUENT STATUS AND REQUEST DIRECTION FROM THE
17 BOARD TO PROCEED AS WE HAVE IN THE PAST WITH INFORMING
18 THE ATTORNEY GENERAL OF THAT DELINQUENT STATUS.

19 CHAIRMAN GALLAGHER: THANK YOU. MS. BREMBERG,
20 DO YOU WANT TO --

21 BOARD MEMBER BREMBERG: GEORGE, GOING BACK TO
22 CONTRA COSTA, WHAT ARE THEY -- DO THEY HAVE ANY KIND OF
23 AN AGREEMENT TO DO SOMETHING WITH THEIR WASTE AT THE END
24 OF THE MONTH, WHICH, AS I RECALL, THEY SAID THEY WERE
25 GOING TO RUN OUT IN DECEMBER.

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1 MR. LARSON: I POSED THAT QUESTION THROUGH MR.
2 VLACH OF OUR ENFORCEMENT DIVISION, PARTICULARLY DIRECTED
3 TOWARDS THE ACME LANDFILL BECAUSE THE INDICATIONS WE'VE
4 HAD FROM LOCAL GOVERNMENT IS THAT THE LANDFILL WAS
5 SUPPOSED TO REACH ITS DESIGN HEIGHT FOR FINAL COVER
6 SOMETIME DURING DECEMBER, APPROXIMATELY THE 15TH, AND
7 THAT BY THE FIRST OF YEAR WOULD BE NO -- THERE WOULD BE
8 NO CAPACITY LEFT IN THAT ONE SITE. AS THE BOARD WILL
9 RECALL, WE DID APPROVE THE SITING OF A TEMPORARY TRANSFER
10 STATION ON THAT LOCATION LAST BOARD MEETING.

11 AS FAR AS WHAT THEY'RE GOING TO DO, MUCH OF
12 THE WASTE WILL BE TRANSFERRED TO THE RICHMOND LANDFILL,
13 WHICH WILL, I BELIEVE, I'VE BEEN TOLD, IT WOULD HANDLE UP
14 TO A THOUSAND TONS A DAY OF THE WASTE THAT WAS GOING TO
15 THE ACME FILL.

16 IN TERMS OF THE ACTIONS THAT WOULD BE TAKEN
17 OR HAVE BEEN TAKEN AS A RESULT OF THE ELECTION, SEVERAL
18 SITES HAVE BEEN IDENTIFIED IN THE GENERAL PLAN AND WILL
19 BE DESIGNATED AS RESERVE SITES IN ACCORDANCE WITH OUR
20 REQUIREMENTS FOR PLACEMENT IN THE COUNTY SOLID WASTE
21 MANAGEMENT PLAN WHEN IT'S APPROVED BY THE BOARD.

22 BOARD MEMBER BREMBERG: DIDN'T EACH OF THOSE
23 FOUR SITES WENT DOWN TO DEFEAT DURING THE ELECTION. DID
24 THEY PUT THOSE FOUR SITES INTO TENTATIVE RESERVE?

25 MR. LARSON: THEY PUT THE FOUR SITES IN THE



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1 TENTATIVE RESERVE; BUT AFTER THE ELECTION FAILED AND THE
2 DECISION WAS THEN THRUST BACK UPON THE COUNTY BOARD OF
3 SUPERVISORS, AS YOU MAY RECALL, I REPORTED THAT SUNNY
4 MCPEAK HAD MADE A COMMITMENT TO VOTE FOR A SITE. WE ALSO
5 HAD THE PRESENTATION BY BOARD MEMBER FADDEN REGARDING
6 THE -- WHAT SHE PROPOSED OR TERMED THE SUPER SITE, WHICH
7 WAS ADJACENT TO THE KIRKER PASS AND WHAT IS NOW WHAT'S
8 CALLED THE BAILEY ROAD SITE. AND THAT SITE WAS APPROVED
9 BY THE BOARD OF SUPERVISORS FOR PLACEMENT IN THE COSWMP
10 THAT WOULD BE SUBMITTED TO THE BOARD, AND THE OTHER SITES
11 WILL BE IDENTIFIED AS TENTATIVELY RESERVED SITES.

12 BOARD MEMBER BREMBERG: WILL THE RICHMOND SITE
13 BE ABLE TO COPE WITH THE TONNAGE THAT IS BEING GENERATED
14 UNTIL THE TIME THAT ONE OF THESE TENTATIVE, MAYBE,
15 RESERVE SITES COMES INTO PLAY?

16 MR. LARSON: WELL, I WISH I HAD A DEFINITIVE
17 ANSWER ON THIS. I DO KNOW THAT THERE'S QUESTIONS BEING
18 RAISED NOW BY THOSE COMMUNITIES THROUGH WHICH ADDITIONAL
19 TRUCK TRAFFIC WOULD HAVE TO TRAVERSE AND UPON HIGHWAYS
20 WHICH, APPARENTLY, ARE AT SOME MAXIMUM CAPACITY DURING
21 CERTAIN HOURS ANYWAY. SO THEIR PLANS, I GUESS I WOULD
22 SUBMIT, IT WOULD BE BEST DIRECTED TO THE COUNTY. I DON'T
23 HAVE THE ANSWER. I WISH I DID. I'D FORM A CONSULTING
24 BUSINESS AND GO TO WORK FOR MYSELF.

25 BOARD MEMBER BREMBERG: DON'T YOU THINK THAT MR.



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1 CONHEIM AND THE AG'S REPRESENTATIVE CAN KEEP THOSE LITTLE
2 THINGS IN MIND IF THEY'RE TRYING TO NEGOTIATE THEIR WAY
3 OUT OF -- WELL, I DON'T WANT TO SAY PUNITIVE, BUT AT
4 LEAST CORRECTIVE ACTION?

5 ATTORNEY CONHEIM: MR. CHAIRMAN, MRS. BREMBERG,
6 MEMBERS, I'D LIKE TO HAVE A CLOSED SESSION TOMORROW
7 BEFORE WE BREAK ON THIS SUBJECT. AND -- BUT LET ME TELL
8 YOU THAT WE ARE ANALYZING ALL THE COMBINATIONS OF FACTS
9 AND OPTIONS THAT THE COUNTY KEEPS COMING UP WITH IN AN
10 ATTEMPT TO PUT A PLAN BEFORE THEIR OWN BOARD AND OUR
11 BOARD SO THAT WE ARE AWARE OF THE KIND OF -- WE'RE DOING
12 THE KIND OF ANALYSIS, MRS. BREMBERG, THAT YOU ARE
13 SUGGESTING, BUT I DON'T WANT TO TALK ANYMORE ABOUT IT
14 UNTIL WE CAN TALK ABOUT LITIGATION ASPECTS TOMORROW.

15 BOARD MEMBER BEAUTROW: GEORGE, THE SECOND PART
16 OF YOUR PRESENTATION, YOU SAID YOU WANTED TO RECEIVE
17 DIRECTION FROM THE BOARD OF WHAT TO DO WITH THESE
18 REMAINING COUNTIES. I THOUGHT THAT WE HAD DISCUSSED THIS
19 TIME AFTER TIME AS TO WHAT DIRECTION THAT YOU WERE GIVEN
20 AND YOU WOULDN'T NEED ANY MORE. I'M JUST OFFERING THAT
21 AS A REITERATION. I THINK THE DIRECTION IS PROCEED.

22 MR. LARSON: I BELIEVE MY RECOLLECTION SERVES
23 THAT AS A COURTESY TO THE BOARD SO THAT WE WOULD NOT LEND
24 THE APPEARANCE THAT WE WERE TAKING UNILATERAL ACTION TO
25 CONTACT THE ATTORNEY GENERAL'S OFFICE, THAT WE WOULD

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1 INFORM YOU OF OUR INTENTIONS TO DO SO BY LETTING YOU KNOW
2 THAT THESE COUNTIES ARE DELINQUENT. AND IF THERE WERE
3 SOME SITUATION WHICH YOU FELT COMPELLED YOU TO DIRECT US
4 NOT TO, I WOULD SAY THAT THE DEFAULT ACTION FOR US IS TO
5 SEND THEM TO THE ATTORNEY GENERAL'S OFFICE, BUT WE
6 CERTAINLY WANTED TO INFORM YOU OF THAT ACTION BECAUSE OF
7 ITS SIGNIFICANCE.

8 CHAIRMAN GALLAGHER: THANK YOU.

9 BOARD MEMBER CALLOWAY: MR. CHAIRMAN.

10 CHAIRMAN GALLAGHER: YES, MR. CALLOWAY.

11 BOARD MEMBER CALLOWAY: I'D LIKE TO TALK TO YOU
12 ABOUT SAN MATEO COUNTY, GEORGE, A MOMENT. THOSE OF YOU
13 WHO FOLLOWED THE EVENTS DOWN THERE IN THAT COUNTY,
14 THEY -- NOW THE CORPS OF ENGINEERS IS INVOLVED IN THE
15 SITE OF OX MOUNTAIN, WHICH ORIGINALLY THAT WAS NOT -- THE
16 CORPS OF ENGINEERS HAD NO JURISDICTION OVER IT. AFTER
17 THAT WAS DECIDED BY THE PLANNING PEOPLE IN SAN MATEO
18 COUNTY THAT THAT WOULD BE THEIR SITE, THEN THE CORPS
19 RULES WERE CHANGED. CORPS OF ENGINEERS CAME IN AND NOW
20 THEY, IN ORDER TO PERMIT THIS SECOND CANYON, THEY'VE HAD
21 HAD TO GO THROUGH THE CORPS OF ENGINEERS WITH ALL OF
22 THEIR REPORTS.

23 AND I TALKED TO THE COUNTY THE OTHER DAY,
24 AND IT'S MY UNDERSTANDING THAT THE OPERATOR WILL HAVE ALL
25 OF THE FINAL PAPERS, COMMENTS, REPORTS, AND EVERYTHING

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1 WILL BE FILED WITH THE CORPS OF ENGINEERS BEFORE THE END
2 OF THIS MONTH. SO EVERYTHING WILL BE IN. IN OTHER
3 WORDS, THE BALL WILL BE IN THE CORPS OF ENGINEERS' COURT
4 BY THE END OF THIS MONTH. AND IT'S MY UNDERSTANDING ALL
5 THE PUBLIC COMMENTS AND EVERYTHING HAVE BEEN RECORDED AND
6 FILED, AND IT'S NOW UP TO THE CORPS OF ENGINEERS TO MAKE
7 THE DECISION. SO THAT'S WHERE I THINK WE STAND THERE.

8 NOW, IF THIS IS SOMETHING YOU WANT TO TURN
9 OVER TO THE ATTORNEY GENERAL, GOD LOVE THE ATTORNEY
10 GENERAL IF HE CAN GET THE CORPS OF ENGINEERS TO MOVE ANY
11 FASTER THAN THEY'RE MOVING, WHY PLEASE BE MY GUEST AND GO
12 AHEAD AND DO IT. I'D SURE AS HELL LIKE TO SEE THEM MOVE
13 FASTER. I DON'T THINK ANYBODY'S GOING TO MOVE THE CORPS
14 OF ENGINEERS ANY FASTER THAN THEY WANT TO MOVE.

15 CHAIRMAN GALLAGHER: WE'VE HAD A REQUEST FROM
16 MR. GEORGE LAAKSO TO ADDRESS THE BOARD ON THE SAN MATEO
17 COUNTY PLAN. IS HE STILL IN THE AUDIENCE? WE'LL JUST
18 MOVE ON THEN.

19 THANK YOU FOR THE REPORT, GEORGE. IT'S A
20 GOOD ONE. I THINK THAT ONE OF THE THINGS WE CAN BRAG ON
21 IS THE FACT THAT WE ARE BIRD DOGGING THESE THINGS AND
22 GETTING THEM UP-TO-DATE AS FAST AS WE CAN.

23 IF THERE ARE NO FURTHER COMMENTS FROM THE
24 BOARD OR FROM THE AUDIENCE, WE WILL STAND ADJOURNED FOR
25 LUNCH OR RECESSED FOR LUNCH UNTIL 1:15.



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(A LUNCH BREAK WAS TAKEN.)

///

AFTERNOON SESSION, DECEMBER 15, 1988

CALIFORNIA WASTE MANAGEMENT BOARD

CHAIRMAN GALLAGHER: BRING THE MEETING OF THE CALIFORNIA WASTE MANAGEMENT BOARD BACK TO ORDER, PLEASE. WE ARE PREPARED TO GO TO NO. 2, I HOPE. OKAY. THAT WILL BE THE FIRST ITEM ON THE AGENDA, ITEM NO. 2.

MR. IWAHIRO: YES, MR. CHAIRMAN, BOARD MEMBERS. I THINK YOU ALL ARE AWARE THAT WE'VE BEEN WORKING ON 2448, AND ONE OF THE THINGS THAT WE HAVE TO DO UNDER 2448 IS TO DEVELOP REGULATIONS FOR CLOSURE AND POSTCLOSURE PLANS AND MAINTENANCE.

AND, AS YOU KNOW, THAT AFFECTS A LOT OF DIFFERENT AGENCIES BECAUSE THE WATER BOARD IS INVOLVED IN THIS TYPE OF ACTIVITY AS WELL AS HEALTH AND AIR BOARD.

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BEFORE THE
CALIFORNIA WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
DECEMBER 15, 1988)
-----)

AFTERNOON SESSION

DATE AND TIME: THURSDAY, DECEMBER 15, 1988, 9:00 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, CSR
CERTIFICATE NO. 7152

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TELEPHONE (714) 953-4447

CERTIFIED
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10/10/10

(A LUNCH BREAK WAS TAKEN.)

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AFTERNOON SESSION, DECEMBER 15, 1988

CALIFORNIA WASTE MANAGEMENT BOARD

CHAIRMAN GALLAGHER: BRING THE MEETING OF THE CALIFORNIA WASTE MANAGEMENT BOARD BACK TO ORDER, PLEASE. WE ARE PREPARED TO GO TO NO. 2, I HOPE. OKAY. THAT WILL BE THE FIRST ITEM ON THE AGENDA; ITEM NO. 2.

MR. IWAHIRO: YES, MR. CHAIRMAN, BOARD MEMBERS. I THINK YOU ALL ARE AWARE THAT WE'VE BEEN WORKING ON 2448, AND ONE OF THE THINGS THAT WE HAVE TO DO UNDER 2448 IS TO DEVELOP REGULATIONS FOR CLOSURE AND POSTCLOSURE PLANS AND MAINTENANCE.

AND, AS YOU KNOW, THAT AFFECTS A LOT OF DIFFERENT AGENCIES BECAUSE THE WATER BOARD IS INVOLVED IN THIS TYPE OF ACTIVITY AS WELL AS HEALTH AND AIR BOARD.

BETH C. DRAIN, CSR 7152

B.C.D.

THE FOLLOWING REPORT WAS PREPARED BY
BETH C. DRAIN, CSR 7152
ON DECEMBER 15, 1988
AT THE CALIFORNIA WASTE MANAGEMENT BOARD
MEETING, DECEMBER 15, 1988
SAN DIEGO, CALIFORNIA

*Harrist's
reporting service*

1 SO IN THEIR WISDOM, THE LEGISLATURE, IN PASSING 2448,
2 REQUIRED A COMMITTEE WHICH THEY CALL THE SOLID WASTE
3 CLEANUP AND MAINTENANCE ADVISORY COMMITTEE TO BE FORMED
4 AND TO DEVELOP SOME RECOMMENDATIONS THAT WOULD BE GIVEN
5 TO THIS BOARD ON HOW TO COORDINATE THIS REGULATIONS
6 BETWEEN THESE VARIOUS AGENCIES.

7 AND SO THIS TASK FORCE -- COMMITTEE, I
8 SHOULD SAY, HAS BEEN WORKING FOR THE LAST YEAR OR SO.
9 INCIDENTALLY, THEY HAVE A COUPLE OF OTHER REQUIREMENTS
10 WHICH WILL BE BROUGHT TO THE BOARD LATER ON.

11 FOR TODAY, WE ARE TALKING ABOUT THE
12 RECOMMENDATIONS REGARDING THE COORDINATION OF REGULATIONS
13 AMONGST THE VARIOUS AGENCIES INVOLVED, AND THEY HAVE
14 DEVELOPED A REPORT THAT MAKES RECOMMENDATIONS TO EFFECT
15 THAT COORDINATION.

16 BILL ORR, WHO HAS ALSO BEEN WORKING ON
17 OTHER ASPECTS OF 2448, HAS BEEN WORKING WITH THIS
18 COMMITTEE TO DEVELOP THE REPORT.

19 JUST FOR YOUR INFORMATION, IF YOU LOOK ON
20 PAGE 6, YOU WILL NOTE THAT THE MAKEUP OF THE COMMITTEE,
21 WHICH INCLUDES OUR CHAIRMAN, JOHN GALLAGHER; AS WELL AS
22 JOHN DOYLE FROM THE ENVIRONMENTAL AFFAIRS AGENCY; DAN
23 WALSH, CHAIRMAN OF THE WATER RESOURCES CONTROL BOARD;
24 STAN PHILLIPPE FROM HEALTH; AND MR. BARBOSA, WHO IS A
25 PRIVATE CITIZEN FROM THE CITY OF MONTEREY PARK; DR.

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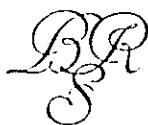
1 COTTRELL FROM THE IMPERIAL COUNTY, REPRESENTING LOCAL
2 HEALTH OFFICERS.

3 THERE HAS BEEN NO APPOINTEE FROM THE SENATE
4 COMMITTEE ON RULES AS OF YET, SO WE'VE BEEN MOVING ALONG
5 WITH THIS SET OF COMMITTEE. I MIGHT ADD THAT A LAW WAS
6 PASSED TO MAKE THE ENVIRONMENTAL AFFAIRS SECRETARY THE
7 CHAIRMAN FOR THIS COMMITTEE AND REQUIRE THAT AN ANNUAL
8 REPORT BE GIVEN ON THE PROGRESS OF HOW THESE COORDINATION
9 OF REGULATIONS IS GOING FOR THE NEXT THREE YEARS. AND
10 SO, STARTING WITH JANUARY 1, WE WILL HAVE THE
11 ENVIRONMENTAL AFFAIRS SECRETARY, JANANNE SHARPLESS BEING
12 THE CHAIRMAN FOR THIS GROUP, CHAIRPERSON.

13 SO THE OTHER -- AS I INDICATED, THERE ARE
14 OTHER OUTPUTS THAT HAVE TO COME OUT OF THIS COMMITTEE,
15 AND THOSE WILL BE OUT OF THAT CHAIRMANSHIP. FOR TODAY,
16 WE ARE TALKING ABOUT THE COORDINATION OF REGULATIONS, AND
17 BILL ORR WILL GIVE US A SUMMARY OF THE REPORT WHICH IS
18 ALSO INCLUDED IN YOUR PACKET.

19 CHAIRMAN GALLAGHER: THANK YOU, MR. IWAHIRO.
20 BEFORE YOU START, BILL, I THINK IT'S IMPORTANT THAT WE
21 HAVE IN THE RECORD AND WITH THE PUBLIC IN ATTENDANCE GIVE
22 A LITTLE BIT OF BACKGROUND ON AN ISSUE THAT SEEMS TO COME
23 BEFORE US EVERY TIME WE WRITE GUIDELINES OR PROPOSED
24 REGULATIONS.

25 A LAW IS PASSED AND SIGNED INTO LAW BY THE



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1 GOVERNOR, AND WE ARE REQUIRED TO DO THE NECESSARY WORK TO
2 WRITE THE REGULATIONS TO IMPLEMENT THAT LAW.

3 OUR STAFF HAS THE UNPOPULAR JOB OF RUNNING
4 THE FIRST CUT OF HOW WE FEEL THE LAW SHOULD BE
5 ADMINISTERED, AND THEN WE HAVE AN OPPORTUNITY FOR THE
6 PUBLIC TO HAVE INPUT. IT DOES NOT MEAN THAT WHEN OUR
7 FIRST CUT AT REGULATIONS COME OUT THAT THAT'S GOING TO BE
8 THE FINAL, AND YET PEOPLE COME TO US CRYING CROCODILE
9 TEARS SOMETIMES AS THOUGH WE HAVE PUT THEM IN A
10 TREMENDOUS JEOPARDY.

11 THE VERY IDEA IS THAT SOMEBODY HAS TO RUN A
12 FIRST CUT BEFORE WE HAVE ANYTHING TO TALK ABOUT. THAT'S
13 WHAT'S BEEN BILL ORR'S UNPLEASANT JOB. I THINK HE'S DONE
14 A REMARKABLY FINE JOB. SO PLEASE BEAR IN MIND THAT WHAT
15 WE'RE ABOUT TO GIVE YOU TODAY IS THE PROGRESS THAT HAS
16 TAKEN PLACE IN THE DEVELOPMENT OF REGULATIONS, AND THERE
17 WILL STILL BE AMPLE OPPORTUNITY FOR PUBLIC INPUT, AND
18 NOTHING IS CAST IN CONCRETE. WITH THAT, BILL.

19 MR. ORR: THANK YOU VERY MUCH.

20 IN TERMS OF THESE GUIDELINES, I THINK THAT
21 IT ALLOWS US TO OPEN THE PERSPECTIVE THAT WE'RE INCLUDING
22 IN THE REGULATIONS AND ALLOW A LITTLE BIT OF UNPOPULARITY
23 TO BE SPREAD AROUND A LITTLE BIT.

24 THE ADVISORY COMMITTEE THAT IS BUILT INTO
25 THE ASSEMBLY BILL, HOPEFULLY, WILL DEAL WITH A NUMBER OF



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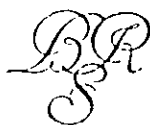
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1 DIFFERENT AGENCIES' PERSPECTIVES AS WELL AS SOME OF THE
2 DIFFERENT PERSPECTIVES OF THE REGULATED PUBLIC,
3 SPECIFICALLY, THE COUNTY HEALTH OFFICERS IN THIS OVERALL
4 PROGRAM.

5 THE GUIDELINES ARE, AS THE CHAIRMAN STATED,
6 A REQUIREMENT OF THE ADVISORY COMMITTEE, THAT THESE
7 GUIDELINES BE DEVELOPED AND SUBMITTED TO THE BOARD. AND
8 THAT'S WHY THE GUIDELINES ARE HERE FOR YOU TODAY.

9 THERE WAS A DISCUSSION ABOUT GUIDELINES AND
10 UNDERGROUND REGULATIONS AND THINGS LIKE THAT THIS MORNING
11 IN THE CONTEXT OF THE OFFICE OF ADMINISTRATIVE LAW
12 PROCESS. THESE GUIDELINES ARE VERY DIFFERENT FROM
13 SOMETHING THAT COULD BE CONSTRUED TO BE UNDERGROUND
14 REGULATIONS IN THAT THEY'RE BEING DEVELOPED, NOT FOR THE
15 OPERATORS, BUT FOR THE BOARD TO CONSIDER IN ADOPTING THE
16 REGULATIONS FOR CLOSURE AND POSTCLOSURE.

17 THE ADVISORY COMMITTEE THAT, THE
18 COMPOSITION OF WHICH MR. IWAHIRO MENTIONED PREVIOUSLY,
19 HAS MET ON SEVERAL OCCASIONS, LEADING UP UNTIL THE LAST
20 MEETING IN NOVEMBER, WHERE THEY CONDITIONALLY APPROVED
21 THIS DOCUMENT. AND SO I WOULD LIKE TO GO THROUGH THE
22 DOCUMENT WITH YOU AND HIGHLIGHT THE MAJOR AREAS AND THEN
23 SOME OF THE ISSUES THAT THE COMMITTEE DISCUSSED DURING
24 ITS DELIBERATIONS ON THE COORDINATION OF REGULATIONS
25 ITEM.



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1. IF YOU TURN TO PAGE 7 IN THE BOARD PACKET,
2 YOU WILL SEE A DISCUSSION OF THE SCOPE OF THE REQUIREMENT
3 OF THE COMMITTEE AND FOR THIS PARTICULAR REQUIREMENT OF
4 THE LEGISLATION, THAT A GUIDELINES DOCUMENT TO ALLOW ALL
5 OF THE STATE AGENCIES WITH RESPONSIBILITIES IN THE
6 CLOSURE AND POSTCLOSURE AREA THAT GUIDELINES BE PRESENTED
7 TO THE CALIFORNIA WASTE MANAGEMENT BOARD BEFORE JANUARY
8 1ST OF 1989.

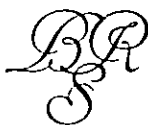
9 THEN THAT THOSE GUIDELINES WOULD ALSO BE
10 SUBMITTED TO THE LEGISLATURE AND THE GOVERNOR BY JANUARY
11 1ST OF 1989. THE COMMITTEE AT THEIR NOVEMBER 21ST
12 MEETING CONDITIONALLY APPROVED THE DOCUMENT, AND WE'LL BE
13 GOING THROUGH THOSE ITEMS TODAY. THERE WERE SEVERAL
14 MAJOR AREAS THAT WERE DISCUSSED.

15 THE FIRST ONE WAS THE GENERAL AREA OF
16 AUTHORITY IN THE AREA OF CLOSURE AND POSTCLOSURE OF THE
17 LANDFILLS. AND SO THERE WAS A SORT OF AN ANNOTATED
18 DISCUSSION OF THE DIFFERENT SECTIONS IN THE GOVERNMENT
19 CODE AND THE WATER CODE AND THE HEALTH AND SAFETY CODE
20 WHERE EACH OF THE AGENCIES HAVE RESPONSIBILITIES, AND
21 THAT WOULD INCLUDE THE NEW REQUIREMENTS UNDER AB 2448,
22 THAT WOULD INCLUDE THE BOARD'S GENERAL MANDATE REGARDING
23 REGULATIONS AND SOLID WASTE MANAGEMENT POLICY. IT ALSO
24 INCLUDED THE WATER BOARD'S AUTHORITY UNDER WHICH THEY
25 ADOPTED SUBCHAPTER 15 AND ALSO ARE CONDUCTING THE SWAT

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1 PROGRAM. AND IT ALSO INCLUDES THE AIR BOARD. AND,
2 PRIMARILY, THEY HAVE TOXIC AIR CONTAMINANT PROGRAMS AND
3 THINGS THAT ARE NOT SPECIFICALLY AIMED AT LANDFILLS, BUT
4 AS ONE OF A NUMBER OF STATIONARY SOURCES, LANDFILLS HAVE
5 BEEN REGULATED BY THE AIR BOARDS AND THE LOCAL AIR
6 DISTRICTS AND, LIKEWISE, THEY HAVE RESPONSIBILITIES UNDER
7 THE SO-CALLED SWAT PROGRAM.

8 SO IN THE FOLLOWING PAGES THERE ON
9 AUTHORITY OR JURISDICTION, THESE ARE THE DIFFERENT AREAS
10 THAT CURRENTLY THE DIFFERENT AGENCIES HAVE
11 RESPONSIBILITIES.

12 IN TERMS OF LOOKING AT THE ACTUAL
13 RECOMMENDATIONS OF THE ADVISORY COMMITTEE, THE COMMITTEE
14 BROKE IT DOWN INTO FOUR MAJOR AREAS, THE FIRST BEING
15 COORDINATING THE REGULATIONS, THE ACTUAL ADOPTION AND THE
16 PROVISIONS OF THOSE REGULATIONS SET OUT BETWEEN THE
17 AUTHORITY AND THE WATER CODE AND THE GOVERNMENT CODE AND
18 THE HEALTH AND SAFETY CODE, THAT ALL OF THESE AGENCIES
19 CAN APPROVE THE PLANS AND ENFORCE THEIR STANDARDS WITHOUT
20 DUPLICATING OR CONFLICTING WITH EACH OTHER AND THAT THEY
21 DO SO IN A COORDINATED FASHION.

22 THE SECOND AREA WAS ACTUALLY IMPLEMENTING
23 THE SPECIFIC TASKS THAT WOULD RESULT FROM THE REGULATIONS
24 SO THAT, EVEN AFTER YOU ADOPT IT IN A COORDINATED FASHION
25 REGULATIONS, THAT IT WON'T STOP THERE, BUT THAT, IN



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1 IMPLEMENTING THE REGULATIONS, THAT THE AGENCIES WOULD
2 CONTINUE TO COMMUNICATE, TO COOPERATE, AND COORDINATE
3 THEIR ACTIONS SO THAT THE OPERATOR DIDN'T GET THE FEELING
4 THAT THEY WERE HAVING TO GO THROUGH SEVERAL INDEPENDENT
5 PROCESSES, MANY OF THEM SEQUENTIAL RATHER THAN PARALLEL.

6 AND THIS MORNING THERE WAS A DISCUSSION
7 ABOUT TRYING TO STREAMLINE THINGS. I THINK THERE WAS
8 MAJOR ATTENTION GIVEN TO TRYING TO SET UP A PROCESS THAT
9 WOULD DO THINGS IN A TIMELY MANNER, IN AN EXPEDITIOUS
10 MANNER, NOT ONLY FOR THE OPERATORS, BUT FOR THE
11 REGULATING AGENCIES AS WELL.

12 TO FURTHER, I GUESS, ALLOW FOR THIS KIND OF
13 COORDINATION, NOT ONLY AT AN AGENCY LEVEL, BUT AT A
14 TECHNICAL LEVEL, THERE'S A GENERAL RECOMMENDATION MADE
15 THAT THERE SHOULD BE THE FREE EXCHANGE OF INFORMATION
16 BETWEEN THE AGENCIES. SO, BASICALLY, EACH OF THE
17 AGENCIES WOULD BE APPRISED OF WHAT THE OTHER HAND WAS
18 DOING IN TERMS OF THE DIFFERENT FACILITIES, WHETHER IT BE
19 IN TERMS OF PERMIT APPLICATIONS OR IN TERMS OF THE
20 TECHNICAL INFORMATION THAT WOULD BE RECEIVED FROM
21 OPERATORS, THAT THIS INFORMATION WOULD BE READILY
22 ACCESSIBLE TO THE AGENCIES THAT WOULD NEED IT TO MAKE
23 THEIR OWN DETERMINATIONS REGARDING THEIR PERMIT
24 PROCESSES.

25 AND, FINALLY, THERE ARE SOME FOLLOW-UP



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1 ACTIVITIES THAT WOULD BE DEALT WITH UNDER THE
2 COORDINATION OF RELATED ACTIVITIES, AND WE'LL LOOK AT
3 THIS BY A RECOMMENDATION-BY-RECOMMENDATION BASIS.

4 WE'VE ALREADY TALKED ABOUT THE AUTHORITY.
5 SO THEN LET'S SKIP TO PAGE 13 IN THE BOARD PACKET,
6 LOOKING AT THE FIRST FOR THE REGULATION REVIEW, WHICH
7 WOULD FALL UNDER THE ISSUE OF COORDINATION OF
8 REGULATIONS. AS I MENTIONED, THE SPECIFIC AUTHORITIES
9 HAVE BEEN MENTIONED PREVIOUSLY; BUT, JUST IN GENERAL, THE
10 CALIFORNIA WASTE MANAGEMENT BOARD HAS A COMPREHENSIVE
11 AUTHORITY IN THE AREA OF SOLID WASTE MANAGEMENT. THE
12 STATE WATER RESOURCES CONTROL BOARD HAS THE GENERAL
13 AUTHORITY IN THE AREA OF WATER QUALITY. LIKEWISE, THE
14 AIR RESOURCES BOARD IN WATER QUALITY. AND AS ANOTHER
15 AGENCY THAT IS NOT REPRESENTED WITHIN THE ENVIRONMENTAL
16 AFFAIRS AGENCY, BUT VERY IMPORTANT TO ANY PUBLIC HEALTH
17 RELATED MATTER, THE DEPARTMENT OF HEALTH SERVICES IS
18 IMPORTANT AS RELATED TO SOLID WASTE MANAGEMENT IN THESE
19 DISCUSSIONS.

20 SO THE FIRST RECOMMENDATION OF THE
21 COMMITTEE WAS TO DESIGNATE A LEAD STAFF PERSON FOR EACH
22 AGENCY, AND THAT STAFF PERSON WOULD BE ABLE TO REVIEW THE
23 TECHNICAL REGULATIONS RELATED TO SOLID WASTE LANDFILLS
24 FROM THEIR AGENCY'S PERSPECTIVE. SO THAT WHEN OUR
25 AGENCY, THE CALIFORNIA WASTE MANAGEMENT BOARD, OR ANY OF

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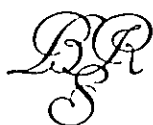
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1 THE OTHER AGENCIES, SAY, THE WATER BOARD, WERE TO LOOK AT
2 REVISING SUBCHAPTER 15, IF THEY ARE GOING TO PROMULGATE
3 NEW REGULATIONS, THERE WOULD BE A SPECIFIC PERSON
4 DESIGNATED TO REVIEW THE REGULATIONS OF THE OTHER
5 AGENCIES.

6 I THINK THIS IS PARTICULARLY IMPORTANT
7 BECAUSE IT SORT OF GETS EARLY INPUT, NOT ONLY FROM THE
8 REGULATED PUBLIC STANDPOINT, BUT FROM ALSO THE
9 PERSPECTIVE OF HOW THE AGENCIES' REGULATIONS WORK
10 TOGETHER TO SEEK TO HEAD OFF ANY CONFLICTS LATER ON DOWN
11 THE ROAD.

12 THE TECHNICAL PERSON WOULD ALSO BE
13 RESPONSIBLE FOR ACTUALLY WORKING ON TECHNICAL STANDARDS
14 THAT WOULD HAVE JOINT INTERESTS. FOR EXAMPLE, IN THE
15 AREA OF FINAL COVER, IT MAY BE THAT THE DIFFERENT
16 AGENCIES WOULD WORK ON A METHOD FOR TESTING FINAL COVER
17 FOR PERMEABILITY THAT WOULD BE ACCEPTABLE TO ALL OF THE
18 DIFFERENT AGENCIES. SO THAT YOU WOULDN'T HAVE ONE AGENCY
19 SAYING DO THIS AND ANOTHER AGENCY DO THAT. INSTEAD YOU
20 WOULD GET THE AGENCIES TOGETHER AND TO JOINTLY WORK OUT A
21 METHOD THAT WOULD BE ACCEPTABLE TO EVERYONE UP FRONT, AND
22 THEN THEY COULD PUT THAT INTO THEIR REGULATIONS AS
23 APPROPRIATE.

24 SO BOTH IN TERMS OF REGULATIONS REVIEW AND
25 IN TERMS OF A TECHNICAL PERSON, THAT WOULD BE FOR THE



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1 DESIGNATION OF THE LEAD STAFF PERSON. IT ALSO SETS OUT
2 AGENCY TIME FRAMES FOR REVIEW WHERE THE AGENCY WOULD MAKE
3 AVAILABLE THE REGULATIONS BEFORE THEY FORMALLY NOTICED
4 THEM THROUGH THE OAL PROCESS SO THAT THE OTHER AGENCIES
5 WOULD HAVE AN IDEA WHAT WAS GOING ON BEFORE THEY ACTUALLY
6 ENTERED INTO THE FORMAL PROCESS. AND IT CALLS FOR A
7 30-DAY LEAD TIME IN ADVANCE OF THAT PUBLIC PRESENTATION
8 TO OAL FOR NOTICE.

9 IT ALSO SETS ABOUT STATEMENT UNDER
10 RECOMMENDATION 3 TO RESOLVE ANY CONFLICTS WHERE, IF IN
11 THE COURSE OF RECOMMENDATIONS 1 OR 2, THERE WOULD BE ANY
12 COMMENTS THAT COULD NOT BE RECONCILED, THAT IT WOULD SET
13 OUT A PROMISE ON EACH OF THE AGENCIES TO INITIATE A
14 MEETING TO TRY TO RESOLVE THESE BEFORE THEY WOULD BE
15 PUBLICLY NOTICED AND, AGAIN, TO ENSURE THAT KIND OF
16 COORDINATION.

17 THE RECOMMENDATION 4 HAS TO DO WITH
18 COMPLIANCE WITH FEDERAL REQUIREMENTS. ONE OF THE PRIMARY
19 MANDATES OF THE COMMITTEE IN COORDINATING THE REGULATIONS
20 IS THAT THE REGULATIONS THAT WOULD BE ADOPTED BY THE
21 CALIFORNIA WASTE MANAGEMENT BOARD UNDER AB 2448 AND BY
22 THE OTHER AGENCIES WOULD BE COMPATIBLE WITH OR MEET ALL
23 STATE AND FEDERAL REQUIREMENTS. AND SO IN TERMS OF
24 COMPLIANCE WITH FEDERAL REGULATIONS, THE ONES THAT WE
25 HEAR ABOUT MOST COMMONLY ARE THE RCRA SUBTITLE D

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1 REGULATIONS, BUT THERE ARE OTHER FEDERAL MANDATES, FOR
2 EXAMPLE, UNDER THE CLEAN AIR ACT AND THE CLEAN WATER ACT.
3 ALL OF THOSE THINGS, WHEN WE ADOPT REGULATIONS, WE NEED
4 TO BE CONSISTENT WITH OTHER AREAS OF THE FEDERAL RULES.
5 AND SO THIS WOULD ASSIST IN THAT COMPLIANCE WITH THOSE
6 FEDERAL PROGRAMS THAT ARE BEING IMPLEMENTED AT THE STATE
7 LEVEL.

8 THE SECOND AREA OF THE DOCUMENT DEALS WITH
9 THE TASKS FOR IMPLEMENTATION. AND THIS WOULD BE THINGS
10 THAT WOULD BE MORE SPECIFIC TO THE PROVISIONS THAT WE'LL
11 BE SEEING IN OUR REGULATIONS. CURRENTLY, THE STAFF IS
12 FINISHING UP OUR NEXT INCREMENT OF CLOSURE REGULATIONS
13 THAT WE PLAN ON BRINGING TO YOU IN THE NEXT MONTH. AND
14 OUR PROPOSAL WILL BE CONSISTENT WITH THAT WHICH THE
15 COMMITTEE HAS COME UP WITH, WHICH IS A PROCESS FOR REVIEW
16 OF PRELIMINARY CLOSURE PLANS AND FINAL CLOSURE PLANS
17 WHICH WILL ALLOW A PARALLEL REVIEW BY EACH OF THE
18 AGENCIES AND WILL COORDINATE THE COMMENTS AND ALLOW FOR
19 THE COMPLETION OF THE APPROVAL OF THE PLAN WITHIN 180
20 DAYS, WHICH WILL ALLOW FOR THE APPROVAL WITHIN THE
21 ONE-YEAR TIME FRAME THAT ALL CLOSURE PLANS HAVE TO BE
22 ADOPTED IN.

23 YOU'LL BE HEARING ABOUT THAT MORE, BUT IT
24 WOULD BASICALLY SAY THAT THE OTHER AGENCIES, THE LOCAL
25 ENFORCEMENT AGENCIES AND THE REGIONAL WATER BOARDS, WOULD



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1 NEED TO SUBMIT PRELIMINARY STAFF COMMENTS TO THE WASTE
2 MANAGEMENT BOARD WITHIN 60 DAYS SO THAT WE CAN GIVE THE
3 OPERATOR AND EARLY READ ON WHETHER OR NOT THEIR CLOSURE
4 PLAN IS WORTH PURSUING THROUGH THE APPROVAL. AND THAT
5 COORDINATED RESPONSE WOULD BE SENT TO THE OPERATOR SO
6 THAT THEY COULD MAKE CHANGES AND PROCEED ACCORDINGLY.

7 IF THE PLAN WAS GOING TO PROCEED, THEN
8 THERE WOULD BE 120-DAY PERIOD OF TIME THAT THE LOCAL
9 ENFORCEMENT AGENCY AND THE REGIONAL WATER BOARD WOULD
10 HAVE TO APPROVE THE PLANS. IF THEY DID THAT, THEN THE
11 WASTE BOARD, THEN, WOULD HAVE AN ADDITIONAL 60 DAYS
12 BEYOND THAT TIME FRAME TO MAKE THEIR FINAL APPROVAL,
13 WHICH WOULD INCLUDE, NOT ONLY THE APPROVAL OF THE CLOSURE
14 PLAN, BUT ALSO WOULD INCLUDE THE FINANCIAL MECHANISM
15 WHICH IS UNIQUE IN THE APPROVAL THAT THE BOARD HAS. NONE
16 OF THE OTHER AGENCIES, THE LEA OR THE REGIONAL BOARD, ARE
17 TO APPROVE THE FINANCIAL MECHANISM. THAT IS SOLELY YOUR
18 RESPONSIBILITY. AND SO THERE'S AN ADDITIONAL 60 DAYS
19 BEYOND THAT WHICH THE OTHER AGENCIES ARE ALLOWED TO ALLOW
20 FOR THAT ADDITIONAL CONSIDERATION.

21 RECOMMENDATION 6 HAS TO DO WITH THE
22 APPROVAL PROCESS FOR A FINAL PLAN. HISTORICALLY, THE
23 FINAL PLANS TO BE IMPLEMENTED TAKE MANY YEARS, IN SOME
24 CASES, TO BECOME FINAL. AND A LOT OF TIMES THE PLAN IS
25 NOT FINALIZED UNTIL AFTER THE FACILITY HAS CLOSED. WHICH

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1 IS A LITTLE BIT LATE TO HAVE YOUR CLOSURE PLAN APPROVED.
2 AND SO THE INTENT HERE IS TO REQUIRE THAT A CLOSURE PLAN
3 THAT IS GOING TO BE IMPLEMENTED BE SUBMITTED TWO YEARS
4 BEFORE THE FACILITY IS SUPPOSED TO CLOSE.

5 CURRENTLY, SUBCHAPTER 15 REQUIRES 180 DAYS
6 FOR CLOSURE, WHICH IN PRACTICE HAS NOT BEEN ENOUGH TIME
7 TO APPROVE THE PLANS AND GO THROUGH SEVERAL INCREMENTS.
8 SO THE PLANS ARE TO BE SUBMITTED TWO YEARS PRIOR TO
9 CLOSURE, AND THEN THERE WOULD BE A COMPLETE -- AGAIN, A
10 COMPLETENESS REVIEW, AND ALL OF THE AGENCIES WOULD HAVE
11 TO APPROVE OR DENY THE PLANS WITHIN A 180-DAY TIME FRAME.

12 SO IF A PLAN STILL HAD FURTHER DETAILS TO
13 BE WORKED OUT, THERE WOULD STILL BE, SAY, 18 MONTHS LEFT
14 TO WORK THOSE DETAILS OUT BEFORE THE FACILITY CLOSED,
15 RATHER THAN AFTER THE FACILITY STOPPED ACCEPTING WASTE.
16 AND THIS IS CONSISTENT, BOTH WITH THE ONE-YEAR TIME FRAME
17 THAT'S ALLOWED BEFORE THE FACILITY HAS TO CEASE OPERATION
18 FOR CLOSURE PLANS AND ALSO THE PROVISION THAT NO
19 PRELIMINARY CLOSURE PLAN BE CONSIDERED FOR A FACILITY
20 THAT MAY NOT BE REASONABLY EXPECTED TO REMAIN OPEN FOR
21 ONE YEAR. SO WE FIGURE IF IT TAKES A YEAR TO GET THE
22 PLAN APPROVED, THERE WOULD STILL BE A YEAR LEFT OF
23 OPERATION BEFORE THE FACILITY WOULD ACTUALLY CLOSE.

24 NOW, IN TERMS OF RECOMMENDATION 7, IT HAS
25 TO DO WITH BRINGING THE DEPARTMENT OF HEALTH SERVICES IN

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1 ON THE REVIEW OF THESE PLANS. THIS PARTICULAR PROVISION
2 IS THERE TO COORDINATE THE RELATIONSHIP BETWEEN THE SOLID
3 WASTE FACILITIES PERMITS THAT ARE CONCURRED WITH BY THE
4 WASTE BOARD AND THE HAZARDOUS WASTE FACILITIES PERMITS
5 THAT ARE ISSUED BY THE HEALTH DEPARTMENT.

6 THIS RECOMMENDATION WOULD INCLUDE THE
7 PROVISION THAT, IN THE CASES WHERE THERE IS BOTH A
8 HAZARDOUS WASTE PERMIT AND A NON-HAZARDOUS WASTE, THAT
9 THIS WOULD ALLOW FOR THE COORDINATION OF A SUBTITLE C OR
10 HAZARDOUS WASTE CLOSURE PLAN WITH A SUBTITLE D OR AB 2448
11 CLOSURE PLAN.

12 AND WHAT IT CALLS FOR IS IN THE EVENT WHERE
13 A FACILITY ACCEPTS BOTH HAZARDOUS AND NON-HAZARDOUS
14 WASTE, WHICH BASICALLY MAKES IT A HAZARDOUS WASTE
15 FACILITY, THAT THE SISTER AGENCIES, INCLUDING THE WASTE
16 BOARD, WOULD HAVE 60 DAYS TO REVIEW A HAZARDOUS WASTE
17 CLOSURE PLAN, KEEPING IN MIND THAT THE DEPARTMENT OF
18 HEALTH SERVICES UNDER RCRA ONLY HAS 90 DAYS TO REVIEW THE
19 PLAN. SO THEY WOULD BE ALLOWING US 60 OF THEIR 90 DAYS
20 TO REVIEW THE HAZARDOUS WASTE CLOSURE PLANS THAT ALSO
21 ACCEPT SOLID WASTE.

22 RECOMMENDATION 8 HAS TO DO WITH THE
23 IMPLEMENTATION SCHEDULE FOR THE CLOSURE PLANS.
24 BASICALLY, THE SCHEDULE FOR THE CLOSURE OF AN INDIVIDUAL
25 FACILITY WILL BE OUTLINED IN THE CLOSURE PLAN. AND THIS

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1 HAS TO DO WITH WHEN THE ACTUAL CLOSURE IS GOING TO BE
2 IMPLEMENTED, THAT THE CALIFORNIA WASTE MANAGEMENT BOARD
3 WILL NOTIFY THE OTHER AGENCIES THAT THE OPERATOR INTENDS
4 TO BEGIN THE CLOSURE ACTIVITIES.

5 FROM THAT POINT ON IT BECOMES THE
6 RESPONSIBILITY OF THAT AGENCY TO KEEP TRACK OF HOW THE
7 CLOSURE IS GOING RELATIVE TO THEIR OWN REQUIREMENTS. IT
8 ALSO INCLUDES THE PROVISION THAT IN THE EVENT THAT SOME
9 KIND OF A RELEASE, A CONTAMINATION PROBLEM, OR SOMETHING
10 WOULD BE IDENTIFIED, THAT THERE MAY BE THE NEED TO MODIFY
11 THE IMPLEMENTATION OF THE SCHEDULE PENDING THE
12 REMEDIATION OR MITIGATION OF THAT PROBLEM. AND SO IT
13 OUTLINES A PROCESS FOR THAT, THAT THE SCHEDULE COULD BE
14 MODIFIED AND THEN PURSUED FROM THAT POINT ON.

15 RECOMMENDATION 9 DEALS WITH THIRD-PARTY
16 IMPLEMENTATION OF CLOSURE AND POSTCLOSURE MAINTENANCE
17 PLANS, WHICH SORT OF LINKS TOGETHER BOTH OF THE PRIMARY
18 CLOSURE AND POSTCLOSURE ASPECTS OF AB 2448.

19 WHAT WE'VE BEEN BRINGING TO YOU OVER THE
20 LAST SEVERAL MONTHS IN TERMS OF REGULATIONS HAS DEALT
21 WITH WHAT THE OPERATOR SHOULD DO TO PROPERLY CLOSE AND
22 MAINTAIN THE LANDFILL. ONE OF THE PORTIONS OF THE
23 STATEWIDE FUND THAT WILL BE COLLECTED BY THE STATE BOARD
24 OF EQUALIZATION WILL BE AVAILABLE FOR THE PREPARATION
25 AND/OR IMPLEMENTATION OF CLOSURE PLANS AND POSTCLOSURE

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1 PLANS IN THE EVENT THAT AN OPERATOR DOES NOT HAVE THE
2 RESOURCES TO DO THAT.

3 THIS WOULD REPRESENT A THIRD-PARTY
4 IMPLEMENTATION WHERE SOMEONE OTHER THAN THE OPERATOR MAY
5 BE IN THE POSITION AT SOME POINT DOWN THE ROAD TO
6 IMPLEMENT A CLOSURE PLAN SO THAT RECOMMENDATION 9
7 INDICATES THAT, REGARDLESS OF WHO IS THE THIRD PARTY,
8 WHETHER THE WASTE MANAGEMENT BOARD CONTRACTS WITH A
9 CONSULTANT TO IMPLEMENT A CLOSURE PLAN, OR WHETHER THEY
10 CONTRACT WITH A REGIONAL WATER BOARD TO DO THAT, OR
11 WHATEVER HAPPENS, THAT EACH OF THE AGENCIES RETAINS THEIR
12 APPROVAL AUTHORITY, LIKE THE THIRD PARTY WAS AN OPERATOR,
13 THAT THE THIRD PARTY, THEN, WOULD HAVE TO SUBMIT THEIR
14 CLOSURE PLAN TO THE APPROVING AGENCIES.

15 AND IT FURTHER INDICATES THAT THE
16 CALIFORNIA WASTE MANAGEMENT BOARD WILL RETAIN ITS
17 AUTHORITY FOR THE DISBURSEMENT OF MONEY OUT OF THIS
18 STATEWIDE ACCOUNT FOR THIRD PARTIES AS THE LAW SPECIFIES.

19 THE THIRD AREA, DEALING WITH INFORMATION
20 EXCHANGE, IS SORT OF A CARRY-OVER FROM A LOT OF
21 DISCUSSIONS THAT HAVE BEEN GOING ON IN TERMS OF
22 NOTIFICATION BY VARIOUS AGENCIES UNDER THE SWAT PROGRAM
23 AND THAT KIND OF THING. BASICALLY, IF YOU'RE GOING TO
24 ISSUE A PERMIT OR ISSUE A CEASE AND DESIST ORDER OR IF
25 YOU ARE GOING TO REQUIRE SOME INFORMATION FROM AN



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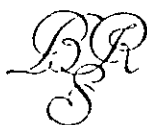
1 OPERATOR, THAT INFORMATION SHOULD BE AVAILABLE TO THE
2 OTHER AGENCIES AS WELL. AND THAT, IN TERMS OF THIS,
3 WOULD FACILITATE A COORDINATED APPROACH TO, SAY,
4 REMEDIATING PROBLEMS. IF PARTICULAR ENVIRONMENTAL
5 PROBLEMS HAVE BEEN IDENTIFIED, THE OTHER AGENCIES NEED TO
6 KNOW ABOUT THAT SO THAT, WHILE YOU ARE PURSUING THE
7 CORRECTIVE ACTION, THAT ANY CONSIDERATIONS FROM THE OTHER
8 AGENCIES FOR WATER QUALITY OR AIR QUALITY COULD BE
9 ADDRESSED AT THAT TIME AS WELL.

10 ALONG WITH THAT, RECOMMENDATION 10 LISTS A
11 NUMBER OF ITEMS THAT SHOULD BE AVAILABLE TO EACH OF THE
12 AGENCIES ON A ROUTINE BASIS. AND THIS WOULD INCLUDE:
13 REPORTS OF INSPECTIONS, SUCH AS THE ONES THAT ARE KEPT
14 TRACK OF IN OUR SOLID WASTE INFORMATION SYSTEM; SOLID
15 WASTE FACILITIES PERMITS THAT ARE ISSUED BY THE LEA'S AND
16 CONCURRED WITH BY THE BOARD; WASTE DISCHARGE REQUIREMENTS
17 THAT ARE ADOPTED BY THE REGIONAL WATER QUALITY CONTROL
18 BOARDS; COPIES OF AGENCY COMMENTS AND RESPONSES TO THE
19 SWAT TESTS, WHICH I THINK ARE GOING TO BE VERY IMPORTANT
20 IN THE NEXT COUPLE OF YEARS; PERMITS TO CONSTRUCT OR
21 OPERATE VARIOUS TYPES OF FACILITIES PURSUANT TO THE
22 HEALTH AND SAFETY CODE. THAT MIGHT INCLUDE LANDFILL GAS
23 RECOVERY SYSTEMS IN THE SOUTH COAST AIR QUALITY
24 MANAGEMENT DISTRICT OR IN THE BAY AREA AIR QUALITY
25 MANAGEMENT DISTRICT. IT MAY INCLUDE AN AIRSTRIPPER OR

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1 ANY TYPE OF ACTIVITY THAT THE AIR DISTRICTS REGULATE THAT
2 WE SHOULD HAVE ROUTINE ACCESS TO THEIR PERMITS TO
3 CONSTRUCT OR OPERATE. ANY MONITORING REQUIREMENTS THAT
4 AN AGENCY PARTY TO THESE GUIDELINES WOULD REQUIRE, SUCH
5 AS LANDFILL GAS MONITORING, GROUNDWATER QUALITY
6 MONITORING, THAT TYPE OF INFORMATION SHOULD BE ROUTINELY
7 AVAILABLE TO ALL THE AGENCIES THAT HAVE AUTHORITY IN THE
8 CLOSURE AND POSTCLOSURE OF THE SOLID WASTE LANDFILLS.

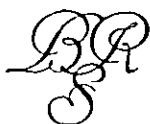
9 AND, IN ADDITION TO THAT, COPIES OF ALL
10 ENFORCEMENT ACTIONS AT SOLID WASTE LANDFILLS BY THE
11 DIFFERENT AGENCIES, WHICH WOULD INCLUDE VARIOUS CEASE AND
12 DESIST ORDERS AND, IN SOME INSTANCES, ADMINISTRATIVE
13 ORDERS IF THOSE AGENCIES HAVE THAT PARTICULAR AUTHORITY.

14 WE'VE ALSO, AS AN ADDITIONAL REQUEST, WE'VE
15 ASKED THAT THE STATE WATER BOARD AND THE AIR RESOURCES
16 BOARD REQUEST THAT THEIR REGIONAL OR DISTRICT BOARDS ASK
17 THAT THE OPERATOR SEND TO US, THE WASTE MANAGEMENT BOARD,
18 COPIES OF THE SWAT REPORTS. OVER THE LAST COUPLE OF
19 YEARS SINCE THE SWAT REPORTS HAVE BEEN REQUIRED, WE'VE
20 RECEIVED SOME BECAUSE THE OPERATORS HAVE CHOSEN TO SEND
21 THEM TO US. WE'VE RECEIVED OTHERS BECAUSE WE'VE MADE
22 SPECIFIC REQUESTS, BUT IN THIS AGENCY DOCUMENT, WE WOULD
23 REQUEST THAT WHEN THE REGIONAL BOARD OR THE AIR DISTRICT
24 COMMUNICATES WITH THE OPERATOR, THAT THEY REQUEST A COPY
25 FOR THE WASTE BOARD UP FRONT SO THAT THEY DON'T HAVE TO

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1 GO THROUGH AND AFTER THE FACT TRY TO COME UP WITH ANOTHER
2 COPY OF THE DOCUMENT.

3 BOARD MEMBER BEAUTROW: EXCUSE ME. I'D LIKE TO
4 ADD SOMETHING RIGHT THERE. I JUST FOUND OUT RECENTLY
5 THAT THE WATER BOARD HAS ON DATA DISK -- I THINK IT'S
6 GOING TO BE AVAILABLE JANUARY -- A SUMMARY STATEWIDE OF
7 ALL SWAT DATA. AND THIS -- MAYBE YOU DON'T KNOW ABOUT
8 THAT, BUT I JUST RECENTLY FOUND OUT ABOUT IT. WHEN YOU
9 TALK ABOUT THE INDIVIDUAL SWAT THINGS, YOU ARE TALKING
10 ABOUT BIG REPORTS, BUT HERE IS A SUMMARY AND YOU MIGHT
11 INCLUDE DATABASE OR SOMETHING THAT THEY HAVE IN THEIR
12 HAND RIGHT NOW.

13 MR. ORR: THAT'S A GOOD SUGGESTION. I KNOW THAT
14 THEY HAVE BEEN DEVELOPING A DATABASE FOR SOME TIME. I
15 DON'T HAVE THE MOST RECENT VERSION OF IT.

16 BOARD MEMBER BEAUTROW: THEY HAVE IT.

17 MR. ORR: THE FINAL AREA HAS TO DO WITH THE
18 COORDINATION OF RELATED ACTIVITIES. AND WHAT THAT
19 FOCUSES ON IS WHAT WAS MENTIONED PREVIOUSLY ABOUT THE
20 SHIFT IN THE COMPOSITION AND, TO A CERTAIN EXTENT, THE
21 TASKS OF THE COMMITTEE. IN THE PASSAGE OF SOME CLEANUP
22 LEGISLATION, THERE WAS AN ADDITIONAL REQUIREMENT MADE ON
23 THE COMMITTEE THAT FOR THE YEARS 1990, 1991, AND 1992
24 THAT THIS SOLID WASTE CLEANUP AND MAINTENANCE ADVISORY
25 COMMITTEE WOULD PREPARE AN ANNUAL REPORT ON THE STATUS,

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1 BASICALLY, OF ALL THE ACTIVITIES FOR THE OTHER
2 RECOMMENDATIONS.

3 THAT AS THE AGENCIES ADOPT REGULATIONS AND
4 BEGIN TO IMPLEMENT THESE NEW REGULATIONS, THAT THIS
5 COMMITTEE BASICALLY ISSUE TO THE LEGISLATURE A STATUS
6 REPORT ON HOW THESE THINGS ARE GOING. AND SO AS
7 RECOMMENDATION 11, THE COMMITTEE HAS RECOMMENDED THAT
8 EACH AGENCY SUBMIT A STATEMENT ON THE STATUS OF THE ITEMS
9 THAT ARE REQUIRED IN THIS ANNUAL REPORT FOR COMPILATION
10 BY THE ADVISORY COMMITTEE THAT WOULD THEN, IN TURN, BE
11 SUBMITTED TO THE LEGISLATURE.

12 IT CALLS FOR THE FINAL VERSION OF THIS
13 MATERIAL TO BE SUBMITTED TO THE WASTE MANAGEMENT BOARD BY
14 MARCH FOR THE PREVIOUS CALENDAR YEAR. SO FOR THE 1990
15 REPORT, IT WOULD BE IN MARCH OF 1990. THE FIRST
16 SUBMISSION WOULD BE IN MARCH OF 1990.

17 THE COMPILATION OF THE ACTIVITIES WILL THEN
18 CONTINUE FOR THE THREE SUCCEEDING YEARS, AND THE
19 COMMITTEE THEN WILL ISSUE THE REPORT.

20 SO THAT IS A SUMMARY OF ALL OF THE ISSUES
21 AND RECOMMENDATIONS OF THE ADVISORY COMMITTEE. THE
22 COMMITTEE DID CONDITIONALLY APPROVE THESE GUIDELINES, AND
23 THE NEXT MEETING OF THE ADVISORY COMMITTEE WILL BE ON
24 JANUARY 6, 1989. AND WE'LL INFORM YOU IF THERE ARE ANY
25 CHANGES TO THE CONDITIONAL -- BASED ON THE CONDITIONAL

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1 APPROVAL TO THIS DOCUMENT. THE COMMITTEE WILL THEN
2 TRANSMIT THE DOCUMENT TO THE LEGISLATURE AND THE GOVERNOR
3 BASED ON THE REQUIREMENTS OF THE LAW.

4 BOARD MEMBER BREMBERG: MR. CHAIRMAN --

5 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

6 BOARD MEMBER BREMBERG: -- I JUST HAD A POINT OF
7 INFORMATION. DO THE BOARDS OF THE OTHER AGENCIES HAVE TO
8 ACCEPT THIS CONDITION OR IS IT INCUMBENT UPON US AS IT'S
9 OUR ASSIGNED -- THE ADVISORY COMMITTEE HAS BEEN ASSIGNED
10 TO US. ARE WE THE ONES OR DON'T THEY HAVE TO GO THROUGH
11 THE WHOLE HIERARCHY EVERY TIME?

12 MR. IWAHIRO: THAT'S A REAL GOOD QUESTION,
13 FRANKLY. I WAS ASKING THAT MYSELF. BUT IN TERMS OF
14 WHAT'S COVERED IN 2448, IT'S NOT REQUIRED, BUT I WOULD
15 SUGGEST THAT WE SUBMIT IT TO THEM.

16 BOARD MEMBER BREMBERG: I'M NOT SAYING IT SHOULD
17 BE DEPENDS THEM. I JUST WONDERED IF IT WERE A
18 REQUIREMENT THAT THEY APPROVE, BECAUSE I COULD SEE
19 SLIPPAGE OF SIX MONTHS WHILE IT'S WANDERING AIMLESSLY
20 THROUGH VARIOUS AGENCIES, AND THEN EVERYBODY'S DELINQUENT
21 AND WE'D BE CRITICIZED AGAIN THROUGH NO FAULT OF OUR OWN.

22 MR. IWAHIRO: IN TERMS OF THIS PARTICULAR
23 REPORT, THERE'S NO REQUIREMENT THAT YOU FOLKS -- THAT THE
24 BOARD APPROVES IT OR NOT. IT'S JUST THE FACT OF
25 ACCEPTING IT FOR THEIR CONSIDERATION IN FURTHER

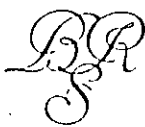
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1. DEVELOPING REGULATIONS.

2. BOARD MEMBER BREMBERG: THANK YOU.

3. CHAIRMAN GALLAGHER: ANYTHING ELSE?

4. BOARD MEMBER BREMBERG: NO. I THINK HE DID A
5. SUPER JOB. NOT SURPRISING. HE ALWAYS DOES A SUPER JOB.

6. CHAIRMAN GALLAGHER: WITH REGARDS TO THE REPORT
7. TO THE LEGISLATURE, AS I READ IT, IT'S 1990. I WONDER
8. IF -- ARE YOU GOING TO REMIND JAN SHARPLESS AND HER GROUP
9. THAT THEY'RE SUPPOSED TO MAKE THAT REPORT BECAUSE IT
10. SHOULD GO OUT OVER HER SIGNATURE, AND I'M NOT EVEN SURE
11. IF SHE RIGHT AT THE MOMENT REALIZES THAT SHE'S ALREADY
12. ASSUMED THE CHAIRPERSON'S ROLE ON THAT COMMITTEE. DO YOU
13. KNOW, GEORGE?

14. MR. EOWAN: I THOUGHT IT WAS '89. I THOUGHT WE
15. HAD TO GIVE THEM A REPORT JANUARY OF '89.

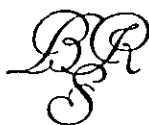
16. CHAIRMAN GALLAGHER: WELL, READING IN THAT LAST
17. RECOMMENDATION, IT SAYS 1990, '91, AND '92.

18. MR. EOWAN: I'M NOT SURE THAT SAYS THAT. IT IS
19. '89. I'M SURE OF THAT. AS SOON AS -- BUT YOU ARE STILL
20. RIGHT BECAUSE, TECHNICALLY, SHE'S GOING TO BE THE
21. CHAIRMAN AT THAT POINT.

22. CHAIRMAN GALLAGHER: I JUST WONDER IF THEY
23. REALIZE IT OVER ACROSS THE STREET.

24. MR. IWAHIRO: I CAN CLARIFY THAT. THE '90, '91,
25. '92 ARE ANNUAL REPORTS REQUIRED BY THIS NEW CLEANUP

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1 LEGISLATION. THIS REPORT HERE THAT WE HAVE IN FRONT OF
2 US IS DUE JANUARY 1ST OF 1989.

3 MR. ORR: ONE ADDITIONAL CLARIFICATION TO THAT,
4 THE NEW STATUTE THAT WILL GO INTO EFFECT ON JANUARY 1ST
5 OR 2D, THAT INCLUDES THIS ADDITIONAL REQUIREMENT, IS SORT
6 OF THE SECOND ANNUAL REPORT THAT'S PART OF THE AB 2448
7 PROGRAM. THERE IS ALREADY AN ANNUAL REPORT REQUIRED OF
8 THIS BOARD, THAT THE FIRST ONE WILL BE DUE THIS COMING
9 YEAR.

10 THIS IS A SEPARATE REPORT BY THE ADVISORY
11 COMMITTEE THAT WILL TAKE INTO ACCOUNT, NOT ONLY WHAT THE
12 WASTE BOARD HAS DONE, BUT WHAT THE OTHER AGENCIES HAVE
13 DONE AS WELL.

14 AND ONE OF THE THINGS, AS THE STAFF
15 ATTEMPTED TO PROVIDE SUPPORT TO THE COMMITTEE, THAT WE
16 WERE WRESTLING WITH IS WHEN THEY WOULD CALL FOR THE
17 REPORT TO BE 1990, '91 AND '92, THEY DIDN'T SAY WHEN IT
18 WAS SUPPOSED TO BE DUE AND FOR WHAT TIME PERIOD THAT IT
19 WAS SUPPOSED TO BE FOR. SO WHEN WE HAVE THE DATE OF
20 MARCH OF 1990, THAT WILL BE FOR CALENDAR YEAR 1989 TO BE
21 SUBMITTED ON MARCH OF 1990 TO THE COMMITTEE.

22 CHAIRMAN GALLAGHER: THANK YOU. I WAS JUST
23 WANTED TO BE SURE THAT THE LADY WHO SUPERVISES OUR
24 OPERATION DIDN'T GET THE IDEA WE WERE LAYING IN THE WEEDS
25 AND NOT GOING TO KEEP HER ADVISED.



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1 MR. EOWAN: I WOULD RECOMMEND, MR. CHAIRMAN, WE
2 MOVE TO ITEM 8. MR. DUNCAN FROM EL DORADO COUNTY IS --

3 CHAIRMAN GALLAGHER: STILL NOT IN?

4 MR. EOWAN: ITEM 6. THERE'S ITEM 6 THERE.

5 CHAIRMAN GALLAGHER: WE HAVE ITEM 6, GEORGE.
6 LET'S GO TO ITEM 6 AND TRY TO KEEP IT IN SEQUENCE THEN.

7 MR. OLDALL: MR. CHAIRMAN, AGENDA ITEM NO. 6 IS
8 CONSIDERATION OF THE MONO COUNTY SOLID WASTE MANAGEMENT
9 PLAN REVIEW REPORT, AND JEANIE BLAKESLEE FROM THE
10 PLANNING DIVISION WILL BE THE STAFF PERSON PRIMARILY
11 RESPONSIBLE FOR MAKING THIS PARTICULAR PRESENTATION.

12 MS. BLAKESLEE: GOOD AFTERNOON, MR. CHAIRMAN
13 AND BOARD MEMBERS. TODAY I'LL PRESENT THE PLAN REVIEW
14 REPORT FOR MONO COUNTY.

15 MONO COUNTY IS LOCATED EAST OF THE SIERRA
16 NEVADA RANGE AND NORTH OF INYO COUNTY, SOUTH OF ALPINE
17 COUNTY. THE STATE OF NEVADA BORDERS THE COUNTY TO THE
18 EAST. MONO COUNTY HAS A PERMANENT POPULATION OF ABOUT
19 9500 PEOPLE. DURING THE SUMMER AND WINTER MONTHS, THE
20 POPULATION AVERAGES FROM 25,000 TO 30,000, SO THEY HAVE A
21 HIGH TOURIST RATE.

22 THE CITY OF MAMMOTH LAKES IS THE COUNTY'S
23 ONLY INCORPORATED CITY, AND BRIDGEPORT SERVES AS THE
24 COUNTY SEAT. MONO COUNTY BOARD OF SUPERVISORS IS
25 RESPONSIBLE FOR ESTABLISHING SOLID WASTE MANAGEMENT

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1 POLICY, ENACTING THE SOLID WASTE ORDINANCES, AND
2 APPROVING THE COUNTY SOLID WASTE MANAGEMENT PLAN, AND THE
3 SOLID WASTE PROGRAM.

4 THE DEPARTMENT OF PUBLIC WORKS MAINTAINS
5 THE COUNTY SOLID WASTE MANAGEMENT PLAN AND OPERATES THE
6 WASTE TRANSFER STATIONS AND THE DISPOSAL PROGRAMS, ALSO
7 KEEPS TRACK OF THE WASTE COLLECTION AND THE LITTER
8 MANAGEMENT RESPONSIBILITIES. I'M SORRY. THE LITTER
9 MANAGEMENT RESPONSIBILITIES ARE SHARED BY THE DEPARTMENT
10 OF PUBLIC WORKS AND THE DEPARTMENT OF ENVIRONMENTAL
11 HEALTH.

12 ENVIRONMENTAL HEALTH IS RESPONSIBLE FOR
13 LANDFILL INSPECTIONS, PERMITTING, AND HEALTH ISSUES.
14 APPROXIMATELY \$550,000 IS BUDGETED FOR THE SOLID WASTE
15 PROGRAMS. \$250,000 PER YEAR ARE COLLECTED FROM A
16 RECENTLY APPROPRIATED LAND USE FEE. ABOUT \$270,000 ARE
17 COLLECTED FROM CONTRACTS FOR GENERAL FUND APPROPRIATION,
18 AND ABOUT \$30,000 IS DERIVED FROM VARIOUS LEASE PAYMENTS.

19 IN JANUARY -- IN JULY OF 1987 A PROPERTY
20 ASSESSMENT WAS ESTABLISHED TO PROVIDE FUNDING FOR CLOSURE
21 AND POSTCLOSURE AND THE WATER AND AIR ASSESSMENT
22 REQUIREMENTS. NOW, THE ASSESSMENTS ARE MADE ON A FACTOR
23 BASIS. IT'S A VARIABLE RATE, AND THE BASE IS AT \$30 PER
24 PARCEL. THIS IS IN THE REPORT AND THERE'S ALSO AN
25 ATTACHMENT. A FEE SCHEDULE IS INCLUDED IN YOUR PACKET.

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1 THE U.S. FOREST SERVICE AND BUREAU OF LAND
2 MANAGEMENT ARE NOT EXEMPT FROM THIS. THERE IS A MARINE
3 CORPS WINTER CAMP. THEY'RE ALSO ASSESSED. SO THERE'S
4 INCOME FROM THOSE PUBLIC AGENCIES. A 60-CENT-PER-TON
5 ALLOTMENT IS SET ASIDE FOR CLOSURE AND POSTCLOSURE.
6 APPARENTLY, THE COUNTY HAS CHOSEN TO SET MONEY ASIDE AT
7 THE FRANCHISE TAX BOARD UNTIL THE BOARD OF EQUALIZATION
8 GIVES THE BILL.

9 THERE ARE THREE PRIVATE COLLECTION FIRMS
10 SERVING THE COUNTY. TWO SERVE THE MAMMOTH LAKES, LAKE
11 CROWLEY AREA, AND ONE SERVES THE JUNE LAKE, LEE VINING
12 AREA.

13 THE COUNTY OPERATES ONE SMALL TRANSFER
14 STATION IN THE PARADISE VALLEY REGION. THE WASTES ARE
15 COLLECTED ONCE A WEEK AND TAKEN TO BENTON CROSSING.
16 THERE ARE SIX LANDFILLS IN THE COUNTY, AND THESE ARE
17 LISTED IN THE REPORT.

18 APPROXIMATELY 31 TONS PER DAY OF
19 RESIDENTIAL, COMMERCIAL, AND RECREATIONAL WASTES ARE
20 GENERATED. ANNUALLY, APPROXIMATELY 60,000 GALLONS OF
21 SEPTAGE IS DISPOSED AT THE WASTEWATER TREATMENT PLANTS.
22 12,000 CUBIC YARDS OF SLUDGE REQUIRE DISPOSAL. THAT IS
23 TAKEN CARE OF AT BENTON CROSSING.

24 BENTON CROSSING IS THE COUNTY'S MAJOR
25 LANDFILL. THE SITE IS OPERATED ON A CONTRACT BASIS WITH



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1 A PRIVATE COMPANY, AND IT'S THE ONLY MANNED LANDFILL IN
2 THE COUNTY.

3 LITTER CLEANUP RESPONSIBILITIES ARE SHARED.
4 THE ROADS ARE SHARED BY THE PUBLIC WORKS DEPARTMENT AND
5 THE ENVIRONMENTAL HEALTH. THE ROADS ARE SHARED BY THE
6 PUBLIC WORKS DEPARTMENT AND ENVIRONMENTAL HEALTH. THE
7 ROADS TO THE LANDFILLS ARE CLEANED UP BY CALIFORNIA
8 CONSERVATION CORP.

9 RESOURCE RECOVERY EFFORTS IN MONO COUNTY
10 ARE SOMEWHAT LIMITED. THEY INCLUDE SALVAGING OF FERROUS
11 MATERIALS, WIRE, REBAR. WHITE GOODS ARE SEPARATED AT THE
12 LANDFILL AT BENTON CROSSING. WOOD IS ALSO SEPARATED.

13 SINCE THERE IS A LOW POPULATION, THERE'S
14 LOW VOLUME OF WASTE, AND THE DISTANCE TO THE RECYCLABLE
15 MARKET, THESE ARE MAJOR FACTORS WHICH HAVE AFFECTED THE
16 COUNTY'S ABILITY TO SET UP A RESOURCE RECOVERY PROGRAM;
17 HOWEVER, THEY INTEND TO DO SO.

18 BOTTLE REDEMPTION IN THE COUNTY AIDS IN
19 LITTER CONTROL. THE FOREST SERVICE PLAYS A BIG PART IN
20 THIS. FOREST SERVICE REQUIRES A DEPOSIT ON ALUMINUM CANS
21 AS CONDITION OF RESORT OPERATORS' LEASES, AND THERE IS A
22 SEPARATE BIN AT THE CAMPGROUNDS FOR ALUMINUM CANS AND
23 ALUMINUM WASTE.

24 THERE IS A SMALL SCALE WASTE-TO-ENERGY
25 PLANT -- INCINERATOR IN OPERATION AT MAMMOTH SKI AREA.

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1 IT'S PERMITTED THROUGH THE FOREST SERVICE. TYPICALLY,
2 THIS INCINERATOR BURNS ABOUT A HUNDRED POUND PER HOUR,
3 RUNS ABOUT FOUR HOURS A DAY, AFTER TALKING TO THE
4 OPERATOR. IT'S USED IN PLACE OF THE BOILERS TO HEAT THE
5 MID-CHALET FACILITY.

6 INSPECTIONS OF THE COUNTY SOLID WASTE
7 FACILITIES ARE MADE QUARTERLY BY THE DEPARTMENT OF
8 ENVIRONMENTAL HEALTH. UNFORTUNATELY, THERE CONTINUES TO
9 BE SOME DUMPING IN REMOTE AREAS. IT'S ALWAYS AN ISSUE
10 THERE.

11 THE MAJOR CURRENT ISSUES IN MONO COUNTY ARE
12 THE COUNTY IS BRINGING IN THEIR FACILITIES INTO
13 COMPLIANCE WITH STATE MINIMUM STANDARDS, MEANING LITTER,
14 COVER. THEY'RE CONTINUALLY WORKING ON THIS. THERE IS
15 IMPLEMENTATION OF CLOSURE AND POSTCLOSURE FUNDING,
16 ASSESSMENT FEE DOES PARTIALLY COVER THE CALDERON AND THE
17 EASTIN REQUIREMENTS.

18 UNFORTUNATELY, THE SOLID WASTE PROGRAMS
19 STILL LACK ADEQUATE FUNDING. THE MONO COUNTY SOLID WASTE
20 MANAGEMENT PLAN REVIEW REPORT WAS SUBMITTED IN ACCORDANCE
21 WITH PLANNING GUIDELINES. THE COUNTY HAS STATED THAT
22 THEY DO WISH TO REVISE A WHOLE NEW DOCUMENT, WHICH WILL
23 REPLACE THE FORMER DOCUMENT.

24 THE STAFF CONCURS, AFTER REVIEWING THE
25 COSWMP AND VISITING THE COUNTY, SPEAKING TO THE

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1 OFFICIALS. THIS CONCLUDES MY PRESENTATION. JIM WARD OF
2 MONO WAS UNABLE TO COME. IF YOU HAVE ANY QUESTIONS AT
3 THIS TIME, I'LL BE GLAD TO ANSWER THEM.

4 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

5 CHAIRMAN GALLAGHER: THANK YOU. MS. BREMBERG.

6 BOARD MEMBER BREMBERG: ON PAGE 107, THREE
7 PARAGRAPHS UP FROM THE BOTTOM, APPROXIMATELY 12,000 CUBIC
8 YARDS OF SLUDGE IS DISPOSED AT BENTON CROSSING LANDFILL.
9 SLUDGE IS PUT INTO A PIT AND MIXED WITH SOIL. IT WILL BE
10 COVERED WITH -- OVER WITH SOIL WHEN, REMOVE THE COMMA,
11 FULL.

12 ARE YOU GOING -- I WOULD LIKE VERY MUCH TO
13 HAVE A RATHER DETAILED EXPLANATION OF THAT PRACTICE AND
14 WHAT THE TIME FRAME IS ON WHEN THEY EXPECT THE PIT TO BE
15 FILLED AND SO FORTH WHEN THEIR REPORT COMES IN.

16 I SEEM TO REMEMBER MARIN COUNTY HAD KIND OF
17 A CASUAL AND CAVALIER ATTITUDE TOWARD ACCEPTING SLUDGE,
18 AND I REALLY THINK, AS LONG AS THEY REWRITE THE REPORT,
19 THAT'S VERY IMPORTANT BECAUSE IT'S BECOMING MORE AND MORE
20 AND MORE PROMINANT IN DISPOSAL PRACTICES. WOULD YOU
21 PLEASE TELL THE GENTLEMAN, WHEN YOU REPORT BACK, THAT
22 THAT'S AN AREA OF GREAT INTEREST.

23 MS. BLAKESLEE: ABSOLUTELY.

24 BOARD MEMBER BREMBERG: IN DETAIL.

25 MS. BLAKESLEE: IN DETAIL. THERE IS A DOCUMENT

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1 THAT IS AVAILABLE. UNFORTUNATELY, HE COULD NOT FAX IT TO
2 ME.

3 BOARD MEMBER BREMBERG: WE DON'T KNOW THAT.

4 MS. BLAKESLEE: THIS IS TRUE.

5 CHAIRMAN GALLAGHER: ANY OTHER QUESTIONS?

6 BOARD MEMBER CALLOWAY: MR. CHAIRMAN.

7 CHAIRMAN GALLAGHER: MR. CALLOWAY.

8 BOARD MEMBER CALLOWAY: I KNOW THAT ALL RURAL
9 COUNTIES HAVE A PROBLEM WITH DUMPING, YOU KNOW, ALONG THE
10 ROADSIDE AND OUT IN RURAL AREAS. BUT WE'VE HAD IN OUR
11 COUNTY AND OUR CITY SOME THIS PROBLEMS, ALTHOUGH WE'RE
12 NOT CONSIDERED A RURAL COUNTY. WHAT WE'VE DONE IS TO GO
13 OUT AND SEND INSPECTORS OUT THERE AND SEE IF WE CAN
14 IDENTIFY THE MATERIALS THROUGH SOME PAPER AND ENVELOPE OR
15 WHATEVER.

16 AND WE BROUGHT THOSE PEOPLE UP ON CHARGES.
17 WE HAVE ORDINANCES AGAINST THAT. WE BROUGHT THEM UP ON
18 CHARGES, AND WE DELIBERATELY BRING THE PRESS IN AND
19 EVERYTHING ELSE. AND SO THAT THE MESSAGE SOON GETS OUT
20 "DON'T DO IT. DON'T TREAD ON ME, BUDDY, BECAUSE YOU ARE
21 DUMPING GARBAGE OVER HERE, YOU ARE GOING TO PAY FOR IT."
22 AND THEY HANDED OUT SOME VERY, VERY HEAVY FINES IN SAN
23 MATEO COUNTY FOR THIS. SO IT MIGHT BE A SUGGESTION THAT
24 YOU COULD OFFER THOSE PEOPLE.

25 I REALIZE THIS IS A VERY RURAL COUNTY, AND



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1 IT'S OBVIOUSLY A VERY HARD THING TO POLICE. BUT IF THEY
2 COULD GET THE MESSAGE OUT TO A FEW OF THOSE FISHERMEN AND
3 HUNTERS THAT GO OVER THERE. I'M ONE WHO FISHED THAT OR
4 USED MANY YEARS AGO, SO I'M VERY FAMILIAR WITH THE AREA.
5 AND THEY COULD FIND OUT MAYBE THROUGH IDENTIFYING SOME OF
6 THIS STUFF AND MIGHT CUT DOWN ON SOME OF THAT RURAL
7 LITTER.

8 MS. BLAKESLEE: THAT'S HAS GOOD ITEM.

9 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WOULD
10 MOVE RESOLUTION 88-82.

11 BOARD MEMBER CALLOWAY: SECOND.

12 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
13 SECONDED THAT WE ADOPT STAFF'S RECOMMENDATION AND MOVE
14 RESOLUTION 88-82. ALL THOSE IN FAVOR? OPPOSED? SO
15 ORDERED.

16 BEFORE WE MOVE TO THE NEXT ITEM ON THE
17 AGENDA, WE'RE GOING TO TAKE TIME OUT TO DO A VERY
18 PLEASURABLE TASK. ONE OF THE NICE THINGS ABOUT BEING
19 CHAIRMAN IS THAT YOU HAVE THE OPPORTUNITY TO RECOGNIZE
20 DEDICATION, HARD WORK, AND ALL THE OTHER THINGS THAT GO
21 TO MAKE A PERSON A SUCCESS.

22 TODAY, WE HAVE THE OPPORTUNITY TO RECOGNIZE
23 THAT ON THE PART OF HAL GERMANE, AND WE'D LIKE HIM TO
24 COME FORWARD AND ACCEPT A CERTIFICATE OF RECOGNITION FOR
25 HIS 25 YEARS OF SERVICE TO THIS STATE. AND I HOPE THAT

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1 HE WILL IN THE FUTURE BE ABLE TO PROUDLY WEAR THIS LITTLE
2 INSIGNIA, WHICH INDICATES 25 YEARS OF DEDICATION. HAL,
3 IT'S MY PLEASURE.

4 (APPLAUSE.)

5 CHAIRMAN GALLAGHER: THAT'S ONE OF THE NICE
6 THINGS ABOUT THIS JOB. THERE ARE MANY NICE ONES, BUT
7 THAT'S ONE OF THE ONES I LIKE THE MOST.

8 MR. EOWAN: MR. CHAIRMAN --

9 CHAIRMAN GALLAGHER: WE ARE NOW --

10 MR. EOWAN: WE CAN GO TO ITEM NO. 5 IF YOU WOULD
11 LIKE. I WAS TOLD THAT MR. DUNCAN IS NOT GOING TO MAKE IT
12 TODAY. SO WE CAN DO THE ITEM WITHOUT HIM HERE. HE'S
13 MADE CONTACT WITH US AND SAID WE MAY AS WELL GO AHEAD AND
14 GO.

15 CHAIRMAN GALLAGHER: FINE. LET'S GO RIGHT AHEAD
16 WITH IT.

17 MR. OLDALL: THIS ITEM, MR. CHAIRMAN AND BOARD
18 MEMBERS, IS CONSIDERATION OF THE EL DORADO COUNTY SOLID
19 WASTE MANAGEMENT PLAN REVIEW REPORT, AND THIS IS ONE OF
20 THE COUNTIES, AGAIN, WHICH CY ARMSTRONG HAS
21 RESPONSIBILITY FOR. HE WILL BE PRESENTING THE ITEM.

22 MR. ARMSTRONG: GOOD AFTERNOON, MR. CHAIRMAN,
23 BOARD MEMBERS.

24 EL DORADO COUNTY REVISED THEIR PLAN IN THE
25 SUMMER OF 1985, AND IN OCTOBER OF THIS YEAR SUBMITTED A



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1 PLAN REVIEW REPORT, INDICATING THAT THEIR PLAN WAS AGAIN
2 PRETTY MUCH OUT OF DATE AND WISHED TO REVISE IT IN ALMOST
3 ALL AREAS.

4 EL DORADO COUNTY IS LOCATED APPROXIMATELY
5 60 MILES SOUTHEAST OF SACRAMENTO. POPULATION IS
6 APPROXIMATELY 116,000 RESIDENTS. THERE ARE TWO
7 INCORPORATED CITIES IN THE COUNTY, THE CITY OF SOUTH
8 TAHOE AND THE CITY OF PLACERVILLE, WITH PLACERVILLE
9 SERVING AS COUNTY SEAT.

10 THE ECONOMY OF THE COUNTY IS BASED
11 PRIMARILY ON TIMBER, AGRO CULTURE, AND AN IMMENSE AMOUNT
12 OF TOURISM AROUND THE SOUTH LAKE TAHOE AREA.

13 THE COUNTY DIVISION OF ENVIRONMENTAL HEALTH
14 IS RESPONSIBLE FOR BOTH LEA AND IS ALSO RESPONSIBLE FOR
15 MAINTAINING THE COUNTY'S SOLID WASTE MANAGEMENT PLAN.

16 THE DISPOSAL PROGRAM IS FINANCED PRIMARILY
17 BY COMBINATION OF USERS FEES, GATE FEES, AND SOME GENERAL
18 FUND MONIES.

19 APPROXIMATELY A HUNDRED THOUSAND TONS OF
20 WASTE ANNUALLY ARE GENERATED WITHIN THE COUNTY. THERE
21 ARE FOUR FRANCHISE COLLECTORS THAT COLLECT BOTH WITHIN
22 THE CITIES AND IN THE COUNTY. THE DISPOSAL NEEDS OF THE
23 COUNTY ARE MET BY A SINGLE LANDFILL NEAR PLACERVILLE,
24 UNION MINE LANDFILL. IT'S A 200-ACRE SITE, WHICH IS
25 OWNED AND OPERATED BY THE COUNTY.

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1 WASTE FROM THE SOUTH TAHOE LANDFILL ARE
2 TAKEN TO THE DOUGLAS LANDFILL NEAR GARDENERVILLE VIA A
3 TRANSFER STATION AT SOUTH TAHOE. THE TRANSFER STATION AT
4 SOUTH TAHOE IS A PRIVATELY OWNED AND OPERATED OPERATION.

5 AS FAR AS RESOURCE RECOVERY, THERE ARE
6 SEVERAL EFFORTS GOING ON RIGHT NOW. THE SOUTH TAHOE
7 REFUSE DISPOSAL COMPANY AT LAKE TAHOE HAND SORTS ANY
8 VALUABLES THAT THEY CAN RECOVER AT THEIR TRANSFER STATION
9 AT SOUTH LAKE TAHOE. THERE IS A RECYCLING CENTER ALSO IN
10 PLACERVILLE THAT RECOVERS ALUMINUM, CARDBOARD, COMPUTER
11 PAPER, AND ALUMINUM, AND, ADDITIONALLY, METALS ARE
12 RECOVERED AT THE UNION MINE LANDFILL AT THE COUNTY SITE
13 THERE.

14 ACCURATE DATA ON THE TYPES AND AMOUNTS OF
15 RECYCLABLES WILL BE DEVELOPED DURING THE REVISION
16 PROCESS, BOTH FOR RESOURCE RECOVERY AND TO DEVELOP THEIR
17 20-PERCENT GOAL.

18 CURRENT ISSUES FACING THE COUNTY ARE
19 COMPLETION OF THE CALDERON AND SUBCHAPTER 15 REQUIREMENTS
20 AT THE UNION MINE LANDFILL. A COUNTY CONSIDERATION OF A
21 FUTURE TRANSFER STATION UP NEAR SHINGLE SPRINGS, WHICH IS
22 A VERY RAPIDLY GROWING AREA, AND IMPLEMENTATION OF A NEW
23 SEPTAGE DISPOSAL FACILITY. THEY'RE REALLY HURTING FOR
24 SEPTAGE DISPOSAL RIGHT NOW. IN FACT, TEMPORARILY THEY'VE
25 BEEN ABLE TO BRING THEIR SEPTAGE DOWN TO SACRAMENTO

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1 COUNTY AND DISPOSE OF IT AT THE KEEFER LANDFILL NOW
2 THERE, BUT THAT IS JUST A TEMPORARY SITUATION.

3 IMPROVEMENTS TO THE SYSTEM IN THE LAST
4 THREE YEARS INCLUDE INSTALLATION OF WATER QUALITY
5 MONITORING WELLS AT THE UNION MINE LANDFILL, IMPROVED
6 OPERATIONAL TECHNIQUES AT THE LANDFILL, AND THE RECENT
7 FORMATION OF A COUNTY SERVICE AREA NO. 10 TO FUND BOTH
8 FUTURE IMPROVEMENTS TO THE LANDFILL AND ALSO TO CONSTRUCT
9 A FUTURE SEPTAGE TREATMENT FACILITY.

10 IN SUMMARY, THE COUNTY HAS AGREED THAT
11 THEIR PLAN IS GENERALLY OUTDATED AND WISHES TO UPDATE THE
12 ENTIRE DOCUMENT. BOARD STAFF HAS AGAIN VISITED THE
13 COUNTY, REVIEWED THEIR PLAN REVIEW REPORT, REVIEWED THEIR
14 OPERATIONS, AND VISITED THE FACILITIES THERE, AND ARE IN
15 AGREEMENT WITH THEIR WISHES.

16 THEREFORE, STAFF WOULD RECOMMEND THE BOARD
17 ACCEPT THE PLAN REVIEW REPORT AND AGREE THAT THE COUNTY
18 SHOULD UPGRADE THEIR PLAN IN THE ITEMS LOCATED ON PAGE 90
19 AND 91 OF YOUR BOARD PACKET.

20 MR. RON DUNCAN, THE AUTHOR OF THIS REPORT
21 AND THE PLAN LIAISON, HAD A REALLY BUSY DAY. HE WAS
22 INVOLVED WITH THE TANNER HEARING AT HIS PLANNING
23 COMMISSION MEETING THIS MORNING. HE DID COME DOWN TO THE
24 BOARD SHORTLY AFTER LUNCH AND THEN HAD TO BE AT A HEARING
25 AT THE WATER BOARD. HE ASKED ME TO CONVEY HIS --

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1 APOLOGIZE NOT BEING ABLE TO STAY AND ASKED THAT I HANDLE
2 THE PROGRAM FOR HIM. IF THE BOARD MEMBERS HAVE ANY
3 QUESTIONS, PLEASE.

4 CHAIRMAN GALLAGHER: ANY MEMBERS OF MR.
5 ARMSTRONG?

6 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WOULD
7 MOVE RESOLUTION 88-81.

8 BOARD MEMBER BROWN: SECOND.

9 CHAIRMAN GALLAGHER: HAVE A MOTION AND A SECOND
10 THAT WE ADOPT STAFF RECOMMENDATION AND ADOPT RESOLUTION
11 88-81. ALL THOSE IN FAVOR? OPPOSED? CARRIED AND SO
12 ORDERED.

13 BEFORE WE MOVE TO THE NEXT ITEM, IT IS OF
14 PLEASURE FOR ME TO TELL YOU THAT WE'RE GOING TO HAVE AN
15 OPPORTUNITY TO VIEW A VIDEO OF A VERY IMPORTANT EVENT
16 THAT TOOK PLACE IN THE CITY OF GLENDALE. YOU KNOW HOW
17 INTENSE WE ARE IN REGARDS TO COMMUNITY RECYCLING
18 PROGRAMS. CITY OF GLENDALE JUST COMPLETED THE EXPANSION
19 OF THEIRS AND HAVE DONE A VERY CLEVER VIDEO, AND I'M JUST
20 GOING TO ASK GINGER IF YOU TELL EVERYBODY WHAT'S IT ALL
21 ABOUT.

22 BOARD MEMBER BREMBERG: IN THE MIDDLE OF
23 OCTOBER, WE DISTRIBUTED A WHITE PAIL AND A GREEN PAIL TO
24 EVERYBODY IN THE COMMUNITY, ALONG WITH A DOOR HANGER, AND
25 A LITTLE BROCHURE WAS MAILED TO EVERYONE SAYING, "CURB



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1 YOUR WASTEFUL WAYS," WHICH INCLUDED A MAP, COLOR ZONED
2 FOR THE VARIOUS PLACES IN TOWN, AND THE COLLECTION
3 SCHEDULE.

4 THAT GOT THEM WARMED UP. OUR CITY VIEWS
5 NEWSPAPER, WHICH GOES OUT EVERY MONTH, HAS THREE ARTICLES
6 LEADING UP TO IT AND FURTHER EXPLANATION AND INFORMATION.

7 WE HAD A GRAND BREAKFAST PARTY ON DECEMBER
8 5TH, WHERE WE HAD THE COMMUNITY CENTER, NORTHERN GLENDALE
9 COMMUNITY CENTER, DECORATED WITH THE RECYCLE PAILS, LOTS
10 OF BALLOONS, THE CRESCENTA VALLEY SWING BAND. AND
11 BECAUSE THEY WERE SO GOOD, WE WERE DANCING BETWEEN THE
12 TABLES AND HAD A WONDERFUL TIME. WE SERVED BREAKFAST ON
13 REAL DISHES WITH REAL SILVER AND REAL NAPKINS AND
14 TABLECLOTHS BECAUSE THEY CAN BE RECYCLED, YOU KNOW.

15 AND THEN WE WENT OUT TO WHERE THE FIRST
16 TRUCK WAS PARKED OUTSIDE, AND WE HAD A CARAVAN THAT WENT
17 AROUND AND KEPT TRACK OF HOW MANY PEOPLE WERE
18 PARTICIPATING IN THE FIRST MORNING'S COLLECTION. AND I
19 WILL SAY THAT IT WAS A VERY SUCCESSFUL. IT WAS A LOT OF
20 FUN. WE HAVE PREPARED -- AND SOMEBODY BETTER TURN ON THE
21 MAGIC MACHINE AND PUSH THE BUTTON. WHO KNOWS HOW?

22 WE BOUGHT 350,000 OF THEM. WE APPROPRIATED
23 \$550,000 FOR THE PROGRAM. WE HAVE OUR RECYCLING
24 COORDINATOR IN PLACE AND FUNCTIONING, AND EVERYTHING IS
25 ON A ROLL. AND TOMORROW MORNING -- THIS MORNING WAS MY

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1 FIRST PICKUP, AND I HAD MY HUSBAND VERY WELL TRAINED TO
2 TAKE THEM OUT.

3 BUT WE PREPARED A MULTICAROUSEL SLIDE SHOW
4 FOR EVERYBODY, BUT WE ALSO MADE A VIDEO FROM THE SLIDES.
5 AND EACH COUNCILMEMBER IS CARRYING THESE AROUND WITH US
6 TO SHOW ANY CAPTIVE AUDIENCE WE CAN GET WITHIN THE
7 COMMUNITY SO THAT EVERYONE WILL BE AWARE AND GO AT IT.
8 ONE OF THE NICE THINGS ABOUT THIS IS THAT THE CAST OF
9 CHARACTERS YOU SEE ARE ALL SANITATION WORKERS AND THEIR
10 CHILDREN AND WITHIN THE CITY.

11 SO YOU MAY PROCEED. IT'S KIND OF CATCHY.
12 IT'S "DON'T WASTE; RECYCLE."

13 CHAIRMAN GALLAGHER: I HAVE TOLD GINGER I HAVE A
14 NEW SLOGAN FOR HER UPBEAT COMMUNITY, AND THAT IS "TODAY'S
15 PAPER NAPKIN IS TOMORROW'S KLEENEX."

16 BOARD MEMBER BREMBERG: THAT'S RIGHT. YOU WILL
17 NOTICE THAT EACH ONE OF PAILS HAS TWO 1-INCH HOLES IN THE
18 BOTTOM SO THAT NOBODY CAN STEAL THEM TO USE THEM AS
19 PAILS. WE'RE ON TOP OF THAT ONE TOO.

20 (THE VIDEO WAS PLAYED AT THIS POINT.)

21 CHAIRMAN GALLAGHER: THANK YOU, MS. BREMBERG,
22 FOR SHARING THAT WITH US.

23 WE HAVE ONE MORE ITEM BEFORE BE ADJOURN FOR
24 THE DAY. ARE YOU PREPARED TO HANDLE ITEM 8?

25 MR. IWAHIRO: YES, MR. CHAIRMAN. THIS IS THE



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1 ITEM CONSIDERING THE REQUEST BY THE CITY OF SUNNYVALE TO
2 DESIGNATE AN LEA. I THINK YOU WILL RECALL THAT WE HAD AN
3 ACTION ON A PERMIT FOR THEM RECENTLY AND ALSO THE FACT
4 THAT THEY ARE THE OPERATORS. AND SO THEY WERE REQUESTING
5 A WAIVER FOR THEM TO BE THE LEA FOR THE PART THAT IS NOT
6 THE HEALTH DEPARTMENT'S RESPONSIBILITIES.

7 THE COUNTY OF SANTA CLARA COUNTY HEALTH HAS
8 THAT PART OF THE RESPONSIBILITY. SO THIS REQUEST IS TO
9 GIVE THE COUNTY HEALTH DEPARTMENT ALL OF THE
10 RESPONSIBILITIES FOR THE LEA RESPONSIBILITY BECAUSE WE
11 HAD DENIED THEIR REQUEST FOR THE WAIVER BACK IN
12 SEPTEMBER.

13 BERNIE HAS NOTHING LEFT TO SAY. I'LL LET
14 HIM FILL IN.

15 CHAIRMAN GALLAGHER: TAKE A SHOT AT IT, ANYWAY
16 BERNIE.

17 MR. VLACH: SOMETIMES HERB DOESN'T KNOW WHEN TO
18 QUIT. AS HERB HAS ELOQUENTLY STATED, ACTUALLY THERE'S
19 ONE POINT THAT HE FAILED TO MAKE. AND THAT IS THIS ITEM
20 IS REALLY A TRICKLE DOWN FROM AN ACTION THAT THE BOARD
21 TOOK SEVERAL MONTHS AGO RELATED TO THE STYLAND ROAD
22 LANDFILL IN THE SAME COUNTY.

23 BY VIRTUE OF THAT LANDFILL NOT BEING
24 AVAILABLE TO THE COUNTY, THE WASTE THAT THE CITY OF
25 SUNNYVALE HAD HOPED TO TAKE THERE, THEY'RE HAVING TO MOVE

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1 BACK TO THEIR OWN LANDFILL IN THE CITY OF SUNNYVALE. IN
2 THE PROCESS OF EXPANDING THAT LANDFILL IN SUNNYVALE TO
3 ACCEPT THOSE WASTES, THEY DECIDED TO ASSUME THE
4 RESPONSIBILITY AS AN OPERATOR OF THE LANDFILL. THEY FELT
5 THEY COULD DO A BETTER JOB THAN THE PERSON THAT WAS
6 PREVIOUSLY THE OPERATOR, WHICH WAS UNDER A LEASE AGREEMENT
7 WITH THEM.

8 THE PROBLEM WAS THAT THEY WERE ALSO
9 DESIGNATED AS THE LEA, AND THEY HAD TO MAKE A CHOICE AS
10 TO WHETHER THEY WANTED TO REMAIN THE LEA OR THE OPERATOR.
11 AND THEY DECIDED THAT THEY WOULD, BECAUSE THEY HAVE A
12 COMPETENT HEALTH DEPARTMENT, THEY WOULD LET THOSE
13 RESPONSIBILITIES REVERT TO THE HEALTH DEPARTMENT.

14 SO THEY MADE A PETITION TO THE BOARD TO
15 TURN THEIR DESIGNATION BACK TO THE COUNTY HEALTH
16 DEPARTMENT. THE ONLY THING THAT REMAINED WAS FOR THE
17 COUNTY TO ACCEPT THAT RESPONSIBILITY, AND THAT IS WHAT
18 THIS ITEM IS TODAY IS BASICALLY AN INFORMATION ITEM TO
19 YOU TO LET YOU KNOW THAT THE COUNTY HAS ACCEPTED THAT.
20 AND IT ALSO IS A RECOMMENDATION BY THE STAFF THAT YOU
21 APPROVE THAT THE COUNTY OF SANTA CLARA BE AUTHORIZED TO
22 BE THE LOCAL ENFORCEMENT AGENCY IN THE CITY OF SUNNYVALE
23 FOR THE HEALTH AND NONHEALTH RELATED STANDARDS.

24 AND STAFF RECOMMENDATION IS THAT YOU CONCUR
25 WITH THE DESIGNATION OF SANTA CLARA COUNTY HEALTH

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1 DEPARTMENT AS THE SOLE LEA FOR THE CITY OF SUNNYVALE.

2 CHAIRMAN GALLAGHER: THANK YOU.

3 BOARD MEMBER BREMBERG: MR. CHAIRMAN, DIDN'T WE
4 GET A LETTER? I SEEM TO REMEMBER GETTING A LETTER FROM A
5 YOUNG LADY IN SUNNYVALE WHO SOUNDED EXTRAORDINARILY
6 BITTER ABOUT THIS WHOLE ARRANGEMENT, SAYING THAT THEY'D
7 BEEN FORCED BY THE WASTE MANAGEMENT BOARD TO GIVE UP
8 BEING THE LEA AND THAT THEY WERE -- SHE WAS VERY UNHAPPY,
9 AND SHE WOULD CERTAINLY LIKE TO SEE THAT PEOPLE HAD --
10 WOULD RECOGNIZE THAT THEY SHOULD STILL HAVE INPUT AND
11 SOME SORT OF CONTROL. IT CAME TO CITY HALL IN GLENDALE.
12 I DON'T KNOW IF IT WAS PART OF A GRCA COMPLAINTS ABOUT
13 THE PROPOSED REGULATIONS OR WHAT, BUT THERE WAS A LETTER
14 FROM A LADY, LISA -- LIZA -- SOMETHING IN SUNNYVALE, WHO
15 WAS VERY, VERY ANGRY ABOUT THIS WHOLE ARRANGEMENT.

16 CHAIRMAN GALLAGHER: I WAS NOT AWARE OF
17 ANYTHING. ARE ANY OF THE REST OF YOU AWARE?

18 BOARD MEMBER BREMBERG: I DIDN'T THINK TO BRING
19 IT. I HAD A LITTLE BUSINESS BEFORE I LEFT.

20 MR. VLACH: THIS ARRANGEMENT ACTUALLY WAS DONE
21 ON A VOLUNTARY BASIS. THERE WAS NO IMPLICATION ON THE
22 PART OF THE BOARD OR THE STAFF THAT THE LEA WAS NOT DOING
23 THEIR JOB AND THAT WE WERE FORCING THEM OUT. THEY
24 BASICALLY REALIZED THEY WERE IN A POSITION TO MAKE A
25 CHOICE AND THIS IS WHAT THEY DID.

BETH C. DRAIN, CSR 7152



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SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

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1 BOARD MEMBER BREMBERG: I BELIEVE YOU. I'M JUST
2 SAYING THERE WAS OBVIOUS DISCONTENT BY THIS WOMAN IN
3 SUNNYVALE AND I JUST WONDERED.

4 CHAIRMAN GALLAGHER: WOULD NOT HAVE BEEN
5 MOUNTAIN VAIL.

6 BOARD MEMBER BREMBERG: NO. SUNNYVALE STUCK IN
7 MY HEAD COMING UP. I'LL DIG UP THE LETTER AND SO --

8 CHAIRMAN GALLAGHER: NOTWITHSTANDING THAT, ARE
9 WE PREPARED TO ACCEPT THE DESIGNATION OUTLINED BY STAFF?

10 BOARD MEMBER MOSCONE: SO MOVED.

11 BOARD MEMBER VARNER: SECOND THAT MOTION.

12 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
13 SECONDED THAT WE ADOPT THE REQUEST BY THE CITY OF
14 SUNNYVALE THAT THEY ASSUME RESPONSIBILITY FOR LOCAL
15 ENFORCEMENT ACTION. ALL THOSE IN FAVOR? OPPOSED?
16 CARRIED AND SO ORDERED.

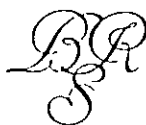
17 MEETING STANDS ADJOURNED UNTIL 9 O'CLOCK
18 TOMORROW WHEN WE WILL RECONVENE.

19
20 (END OF PROCEEDINGS.)
21
22
23
24
25

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1
2
3 REPORTER'S CERTIFICATE
4
5
6

7 I, BETH C. DRAIN, HEREBY CERTIFY THAT ON THE
8 15TH DAY OF DECEMBER 1988, I DID REPORT IN SHORTHAND THE
9 TESTIMONY AND PROCEEDINGS OF THE FOREGOING HEARING; THAT
10 AT THE CONCLUSION OF THE ABOVE-ENTITLED MATTER, I DID
11 TRANSCRIBE MY SHORTHAND NOTES INTO TYPEWRITING; AND THAT
12 THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT COPY OF MY
13 SHORTHAND NOTES THEREOF.
14
15
16
17

18 Beth C. Drain

19 CERTIFIED SHORTHAND REPORTER

20 CERTIFICATE NO. 7152
21
22
23
24
25

BETH C. DRAIN, CSR 7152

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